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2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SARAH H. BLACK, KATHERINE BLACK, on
4 behalf of her minor children, D.B. and J.B.,
5 Plaintiffs,
6 -v- Case No: 1:16-cv-01238
(CBA)(ST)

7
ANTHONY DAIN, CHERIE WRIGLEY, IRA
8 SALZMAN, MELISSA COHENSON, BRIAN A.
RAPHAN, P.C. PAMELA KERR, ESAUN G.
9 PINTO, and CPI INVESTIGATIONS,
10 Defendants.

11 - - - - -x

12 1250 Broadway
New York, New York
13 May 8, 2019
10:30 a.m.

14
15 DEPOSITION of ESAUN G. PINTO, a Defendant
16 in the above-entitled action, held at the above
17 time and place, taken before Alice Schulman, a
18 Shorthand Reporter and Notary Public of the
19 State of New York, pursuant to the Federal Rules
20 of Civil Procedure, Notice and stipulations
21 between Counsel.

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<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 HALLING & CAYO Attorneys for Plaintiffs 320 E. Buffalo Street, Suite 700 Milwaukee, Wisconsin 53202 5 BY: MICHAEL H. SCHAALMAN, ESQ. 6 7 ANTHONY J. DAIN, ESQ. 8 Attorney Pro Se 13272 Capstone Drive 9 San Diego, California 92130 (Via telephone) 10 11 KENNEDYS CMK LLP Attorneys for Defendants 12 MELISSA COHENSON, BRIAN A. RAPHAN, P.C. 570 Lexington Avenue, 8th Floor 13 New York, New York 10022 14 15 BY: TRACY P. HOSKINSON, ESQ. 16 17 MANCILLA & FANTONE LLP Attorneys for Defendants CHERIE WRIGLEY and 18 ESAUN G. PINTO 260 Madison Avenue New York, New York 10016 19 20 BY: ROBERT FANTONE, ESQ., ANDREW MANCILLA, ESQ. 21 22 WINGET, SPADAFORA & SCHWARTZBERG LLP Attorneys for Defendant IRA SALZMAN 23 45 Broadway, 32nd Floor New York, New York 10006 24 25 BY: HARRIS KATZ, ESQ.</p>	<p style="text-align: right;">Page 4</p> <p>1 2 (19 documents were hereby marked as 3 Pinto Exhibits 1-19 for identification, as 4 of this date.) 5 E S A U N P I N T O, the Witness herein, 6 having first been duly sworn by the Notary 7 Public, was examined and testified as follows: 8 EXAMINATION BY 9 MR. SCHAALMAN: 10 Q. Good morning, Mr. Pinto. 11 A. Good morning. 12 Q. We shook hands and I introduced 13 myself. My name is Michael Schaalman. I 14 represent the plaintiffs in this litigation in 15 which you are a defendant. 16 Are you generally familiar with 17 this case? 18 A. Sure, it's been a long time, but 19 yeah. 20 Q. Thank you. Would you state your 21 name and address for the record? 22 A. Esaun Pinto, 676 MacDonough Street, 23 Brooklyn, New York. 24 Q. Mr. Pinto, have you been deposed 25 before?</p>
<p style="text-align: right;">Page 3</p> <p>1 2 STIPULATIONS 3 IT IS HEREBY STIPULATED AND AGREED, by and 4 among counsel for the respective parties hereto, 5 that the filing, sealing and certification of 6 the within deposition shall be and the same are 7 hereby waived; 8 IT IS FURTHER STIPULATED AND AGREED that 9 all objections, except as to form of the 10 question, shall be reserved to the time of the 11 trial; 12 IT IS FURTHER STIPULATED AND AGREED that 13 the within deposition may be signed before any 14 Notary Public with the same force and effect as 15 if signed and sworn to before the Court. 16 * * * 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 Esaun Pinto 2 A. No. 3 Q. I'm assuming you've had some 4 instruction from your counsel about what a 5 deposition is? 6 A. Yes. 7 Q. The only ground rules that I'll 8 just sort of remind you of is we're trying to 9 have a question and answer session which is 10 taken down as accurately as possible as we can 11 by the court reporter. 12 And so if you'll wait until I 13 finish a question, and sometimes my questions 14 are admittedly long, I will try then to honor 15 you and not to speak over your answer. 16 A. Sure. 17 Q. So we can try and do that. 18 A. Sure. 19 Q. If you don't understand a question, 20 please let me know and I'll try to ask it again 21 in a more intelligible way. If you need a 22 break, that's fine, let me know. I'd prefer if 23 you would take a break only after you've 24 answered a question, not while a question is 25 pending. And I think those are the simple rules</p>

<p style="text-align: right;">Page 6</p> <p>1 Esaun Pinto</p> <p>2 that we can live by today.</p> <p>3 A. Sounds good.</p> <p>4 Q. Great. How old are you, Mr. Pinto?</p> <p>5 A. Forty-five years old.</p> <p>6 Q. Would you please tell us what your</p> <p>7 education is following high school?</p> <p>8 A. I went to Saint Francis University</p> <p>9 on a basketball scholarship for a year and a</p> <p>10 half, transferred to Texas A&M Commerce, I was</p> <p>11 there for a year and a half.</p> <p>12 Q. Where is Saint Francis University?</p> <p>13 A. Brooklyn, New York.</p> <p>14 Q. And Texas A&M Commerce?</p> <p>15 A. Yes.</p> <p>16 Q. Where is that?</p> <p>17 A. In Texas, Commerce, Texas.</p> <p>18 Q. Thank you. Did you receive a</p> <p>19 degree from either institution?</p> <p>20 A. No.</p> <p>21 Q. Did you have any higher education</p> <p>22 after you left Texas A&M Commerce?</p> <p>23 A. No.</p> <p>24 Q. Did you attend any course or</p> <p>25 receive any training towards any licensure that</p>	<p style="text-align: right;">Page 8</p> <p>1 Esaun Pinto</p> <p>2 A. I manage the operatives, I meet</p> <p>3 with clients.</p> <p>4 Q. I'm not so familiar with the</p> <p>5 language of CPI. So what do you mean by</p> <p>6 operatives?</p> <p>7 A. We have guys who do surveillance</p> <p>8 work, we also have guys who do security work.</p> <p>9 Q. Are the operatives licensed?</p> <p>10 A. Yes.</p> <p>11 Q. When did you start work for CPI?</p> <p>12 A. Around 2009.</p> <p>13 Q. Was Mr. Bank the president at the</p> <p>14 time you started working there?</p> <p>15 A. Yes.</p> <p>16 Q. What was your first job at CPI?</p> <p>17 A. Oh, I don't remember.</p> <p>18 Q. Were you an operative or were you</p> <p>19 an officer?</p> <p>20 A. No, I came in as the vice</p> <p>21 president.</p> <p>22 Q. So since you've been working for</p> <p>23 CPI, you've never had a license?</p> <p>24 A. No.</p> <p>25 Q. Since 2009, have you worked for any</p>
<p style="text-align: right;">Page 7</p> <p>1 Esaun Pinto</p> <p>2 you may have received?</p> <p>3 A. I went to truck driving school. I</p> <p>4 took a number of courses in investigative</p> <p>5 things, security courses.</p> <p>6 Q. What kind of security courses did</p> <p>7 you take?</p> <p>8 A. Armed courses, unarmed courses,</p> <p>9 bodyguard courses, a number of them. Again, I'm</p> <p>10 talking 20 years ago.</p> <p>11 Q. Do you have any licenses?</p> <p>12 A. My company has licenses.</p> <p>13 Q. What is your company?</p> <p>14 A. CPI Investigations.</p> <p>15 Q. What license does CPI</p> <p>16 Investigations have?</p> <p>17 A. A private investigation license.</p> <p>18 Q. Are you an employee of CPI?</p> <p>19 A. I'm the vice president of CPI.</p> <p>20 Q. Who is the president?</p> <p>21 A. Judd Bank.</p> <p>22 Q. Can you spell that?</p> <p>23 A. J-U-D-D, B-A-N-K.</p> <p>24 Q. Thank you. What is your role as an</p> <p>25 employee of -- vice president of CPI?</p>	<p style="text-align: right;">Page 9</p> <p>1 Esaun Pinto</p> <p>2 other companies?</p> <p>3 A. No.</p> <p>4 Q. When did you first meet Joanne</p> <p>5 Black?</p> <p>6 A. Somewhere around '98, '99.</p> <p>7 Q. How did you meet her?</p> <p>8 A. She was a client of a private</p> <p>9 investigator I was working for.</p> <p>10 Q. Who was the private investigator?</p> <p>11 A. Patrick Bombino.</p> <p>12 Q. Thank you. Is that B-O-M-B-I-N-O?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall what services Ms.</p> <p>15 Black was engaging Patrick Bombino for?</p> <p>16 A. She alleged she had a number of</p> <p>17 problems, but I don't know for sure what those</p> <p>18 problems were.</p> <p>19 Q. Was Ms. Black residing in the New</p> <p>20 York area at the time?</p> <p>21 A. Yes.</p> <p>22 Q. How did you meet her?</p> <p>23 A. She came into my office and Patrick</p> <p>24 Bombino introduced me to her.</p> <p>25 Q. Did you do any work for her or</p>

<p style="text-align: right;">Page 10</p> <p>1 Esaun Pinto</p> <p>2 assist her in any way?</p> <p>3 A. I assisted her in many ways. I</p> <p>4 would call it worked for her.</p> <p>5 Q. How did you assist her?</p> <p>6 A. I provided an ear.</p> <p>7 MR. KATZ: Can you repeat that</p> <p>8 answer?</p> <p>9 (The record was read.)</p> <p>10 Q. So you listened to her?</p> <p>11 A. I listened to her.</p> <p>12 Q. Did this listening experience occur</p> <p>13 over more than one day?</p> <p>14 A. I met Joanne every Monday at four</p> <p>15 o'clock.</p> <p>16 Q. Had she retained you through Mr.</p> <p>17 Bombino?</p> <p>18 A. She retained Mr. Bombino.</p> <p>19 Q. So you were being paid to meet her?</p> <p>20 A. Yeah. I was being paid to work at</p> <p>21 the investigation firm.</p> <p>22 Q. But it was part of those duties to</p> <p>23 meet with Ms. Black every Monday at four p.m.?</p> <p>24 A. That's right.</p> <p>25 Q. What occurred at those meetings in</p>	<p style="text-align: right;">Page 12</p> <p>1 Esaun Pinto</p> <p>2 have been a little longer than that. I was with</p> <p>3 Mr. Bombino for approximately ten years. I</p> <p>4 don't remember exactly, ten, 12 years. It had</p> <p>5 to be more than ten years, but minus the time</p> <p>6 she was hospitalized.</p> <p>7 Q. Well, all right, let's try and do</p> <p>8 this over a chronology. It may not fit, so tell</p> <p>9 me if I'm wrong.</p> <p>10 A. Sure.</p> <p>11 Q. We'll fix the chronology the way</p> <p>12 you want to tell it. Let me just try to put a</p> <p>13 framework on it. So you met with Joanne Black,</p> <p>14 now I'm just talking about this every Monday at</p> <p>15 four p.m. relationship.</p> <p>16 A. Right.</p> <p>17 Q. That lasted for ten years plus?</p> <p>18 A. Ten years plus. Again, minus the</p> <p>19 times that she was hospitalized.</p> <p>20 Q. All right. So it would take us</p> <p>21 somehow in 2008, 2009, something like that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall how many times she</p> <p>24 was hospitalized during this ten-year period?</p> <p>25 A. Not exactly. At least two or three</p>
<p style="text-align: right;">Page 11</p> <p>1 Esaun Pinto</p> <p>2 general? I know it was a long time ago.</p> <p>3 A. We just talked.</p> <p>4 Q. Just talked. Do you recall any of</p> <p>5 her concerns, things that bothered her?</p> <p>6 A. She had many concerns. She had</p> <p>7 many concerns, concerned about a relationship</p> <p>8 with her brother, a relationship with her</p> <p>9 mother, a relationship with social workers.</p> <p>10 There were things that she wanted</p> <p>11 to do, she wanted to get a driver's license, she</p> <p>12 wanted to learn how to use computers, we spoke</p> <p>13 about everything.</p> <p>14 Q. Did you meet with her brother, Mr.</p> <p>15 Black, during any of those conversations?</p> <p>16 A. No, I didn't meet her brother until</p> <p>17 she was hospitalized.</p> <p>18 Q. Okay. Did you meet her mother?</p> <p>19 A. No.</p> <p>20 Q. Did you ever meet Renata Black?</p> <p>21 A. No.</p> <p>22 Q. For how many years did you continue</p> <p>23 this meeting her on every Monday at four p.m.</p> <p>24 relationship?</p> <p>25 A. Ten years. Actually, no, it might</p>	<p style="text-align: right;">Page 13</p> <p>1 Esaun Pinto</p> <p>2 times.</p> <p>3 Q. Did you have any role in her</p> <p>4 hospitalizations?</p> <p>5 A. No, other than suggesting that she</p> <p>6 needed to seek help at times that I saw things</p> <p>7 were a little off.</p> <p>8 MR. FANTONE: I'm going to object</p> <p>9 just to form. Which hospitalizations are</p> <p>10 we talking about?</p> <p>11 MR. SCHAAALMAN: The two or three</p> <p>12 times that he just mentioned.</p> <p>13 A. Between '98 and 2009?</p> <p>14 Q. Right, that's what I was asking you</p> <p>15 about.</p> <p>16 A. Got you.</p> <p>17 Q. We need to be on the same page if</p> <p>18 we're going to make sense here, so thank you for</p> <p>19 helping me out.</p> <p>20 Did you visit her in the hospital</p> <p>21 when she was hospitalized these two or three</p> <p>22 times?</p> <p>23 A. No.</p> <p>24 Q. Did you have contact with her</p> <p>25 social worker?</p>

<p style="text-align: right;">Page 14</p> <p>1 Esaun Pinto</p> <p>2 A. Not during that period.</p> <p>3 Q. Not during this ten year plus</p> <p>4 period?</p> <p>5 A. No.</p> <p>6 Q. Did you have contact with any</p> <p>7 family members of Joanne Black?</p> <p>8 A. No.</p> <p>9 Q. Did Mr. Bombino ever join you in</p> <p>10 these Monday meetings at four?</p> <p>11 A. No. Mr. Bombino was with Joanne a</p> <p>12 few years prior to me meeting Joanne.</p> <p>13 Q. Do you know how Joanne found Mr.</p> <p>14 Bombino to hire him for his services?</p> <p>15 A. No.</p> <p>16 Q. Do you know how Joanne paid for</p> <p>17 your services during the ten years that you were</p> <p>18 meeting with her on a weekly basis?</p> <p>19 A. I don't know.</p> <p>20 MR. FANTONE: Object to form.</p> <p>21 Q. We'll now move up to 2009.</p> <p>22 A. Sure.</p> <p>23 Q. So after the weekly meetings</p> <p>24 stopped -- first of all, why did they stop?</p> <p>25 A. Well, my relationship with Mr.</p>	<p style="text-align: right;">Page 16</p> <p>1 Esaun Pinto</p> <p>2 A. Me and Judd both worked for</p> <p>3 Bombino.</p> <p>4 Q. Okay.</p> <p>5 A. We both left around the same time.</p> <p>6 Judd Bank started CPI Investigations with</p> <p>7 another individual, that relationship didn't</p> <p>8 work out. Judd made an offer to me. I thought</p> <p>9 about it for a couple of months and then decided</p> <p>10 to join forces.</p> <p>11 Q. Did you have meetings with Joanne</p> <p>12 in between --</p> <p>13 A. Sure.</p> <p>14 Q. -- the time when you left Bombino</p> <p>15 and the time you joined CPI?</p> <p>16 A. Sure.</p> <p>17 Q. How did those meetings come about?</p> <p>18 A. She'd call me.</p> <p>19 Q. Were you compensated for those</p> <p>20 meetings after you left Bombino before you</p> <p>21 joined CPI?</p> <p>22 A. Not all the time, sometimes.</p> <p>23 Q. And if you would be compensated,</p> <p>24 would she pay you directly?</p> <p>25 A. Yes, she would.</p>
<p style="text-align: right;">Page 15</p> <p>1 Esaun Pinto</p> <p>2 Bombino changed.</p> <p>3 Q. Okay.</p> <p>4 A. So after 2009 when I left Mr.</p> <p>5 Bombino, Joanne and I saw each other on</p> <p>6 different occasions.</p> <p>7 Q. And what were those occasions?</p> <p>8 A. It all depends on what was going on</p> <p>9 in Joanne's life.</p> <p>10 Q. What would cause a meeting to</p> <p>11 occur, would she call you?</p> <p>12 A. Yeah.</p> <p>13 Q. Say Mr. Pinto, she probably didn't</p> <p>14 call you Mr., but Mr. Pinto, would you like to</p> <p>15 come see me or can I come to see you?</p> <p>16 A. She calls me Esaun, but year, she</p> <p>17 would call and say there was something she</p> <p>18 wanted to talk about and we would set a date and</p> <p>19 place.</p> <p>20 Q. So you were then working for CPI</p> <p>21 after you worked for Mr. Bombino?</p> <p>22 A. Not immediately after.</p> <p>23 Q. There was a time frame, a gap</p> <p>24 between your employment with Mr. Bombino and</p> <p>25 CPI?</p>	<p style="text-align: right;">Page 17</p> <p>1 Esaun Pinto</p> <p>2 Q. During this time period after you</p> <p>3 left Bombino and before you joined CPI, did you</p> <p>4 have any contact with other members of the Black</p> <p>5 family, other than Joanne?</p> <p>6 A. I didn't have any contact with any</p> <p>7 member of Joanne's family until 2013.</p> <p>8 Q. Do you know whether any of the</p> <p>9 Black family members knew that you were meeting</p> <p>10 with Joanne?</p> <p>11 A. I have no idea.</p> <p>12 Q. To your recollection, she never</p> <p>13 told you I told my mother I was meeting you</p> <p>14 today?</p> <p>15 A. She only told me about how</p> <p>16 difficult her relationship was with her mother</p> <p>17 and how she hated her brother.</p> <p>18 Q. What did she tell you about how</p> <p>19 difficult her relationship was with her mother?</p> <p>20 A. She felt like her mother wasn't</p> <p>21 allowing her to live. It felt like her mother</p> <p>22 was restraining her from living the life she</p> <p>23 wanted to live.</p> <p>24 Q. During your meetings with Joanne</p> <p>25 Black while you were working for Mr. Bombino, do</p>

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<p style="text-align: right;">Page 18</p> <p>1 Esaun Pinto</p> <p>2 you know whether she was on medication?</p> <p>3 A. At times, yeah.</p> <p>4 Q. What medication was she on?</p> <p>5 A. I have no idea.</p> <p>6 Q. She never told you what it was?</p> <p>7 A. I didn't ask.</p> <p>8 Q. How did you know then she was on</p> <p>9 medication?</p> <p>10 A. Because she would tell me she was</p> <p>11 on medication, but I wouldn't ask what the</p> <p>12 medication was.</p> <p>13 Q. Again, I'm going to do it in time</p> <p>14 frames. While you were working for Mr. Bombino</p> <p>15 and meeting with Ms. Black, did she tell you she</p> <p>16 was also meeting with psychiatrists?</p> <p>17 A. Sure.</p> <p>18 Q. Do you know who the psychiatrist</p> <p>19 was?</p> <p>20 A. Actually, Dr. Shirkey was one of</p> <p>21 them.</p> <p>22 Q. Can you help us out with the</p> <p>23 spelling?</p> <p>24 A. I have no idea.</p> <p>25 MR. FANTONE: You said Shirkey?</p>	<p style="text-align: right;">Page 20</p> <p>1 Esaun Pinto</p> <p>2 A. I mean, I don't remember exactly,</p> <p>3 but Joanne just felt like her mother was</p> <p>4 preventing her from living the life she wanted</p> <p>5 to live.</p> <p>6 So Joanne would request doing</p> <p>7 certain things, and her mom wouldn't allow it or</p> <p>8 her mom would try to talk her out of it,</p> <p>9 whatever the case may be.</p> <p>10 Q. During the time from 1998 to 2009,</p> <p>11 that ten year plus period, was Joanne living on</p> <p>12 her own or was she living with her mother?</p> <p>13 A. At times she was living on her own.</p> <p>14 Q. Do you know why she would be living</p> <p>15 with her mother as opposed to living on her own?</p> <p>16 A. Not exactly, no.</p> <p>17 Q. And you also mentioned a moment ago</p> <p>18 she hated her brother.</p> <p>19 A. Yeah.</p> <p>20 Q. Did she explain to you why she</p> <p>21 hated her brother?</p> <p>22 A. She felt like her brother didn't</p> <p>23 treat her well. She felt like her brother felt</p> <p>24 like he was smarter, better, he would belittle</p> <p>25 her. She felt like her brother didn't have a</p>
<p style="text-align: right;">Page 19</p> <p>1 Esaun Pinto</p> <p>2 THE WITNESS: Shirkey.</p> <p>3 A. He had an office somewhere around</p> <p>4 9th Street, the Greenwich Village area.</p> <p>5 Q. During the time you met with her</p> <p>6 while you were working for Mr. Bombino, did her</p> <p>7 behavior change or was she pretty constant?</p> <p>8 A. The behavior changed.</p> <p>9 Q. In what way?</p> <p>10 A. Sometimes she was under a delusion</p> <p>11 and she would seem a little more troubled than</p> <p>12 others.</p> <p>13 Q. Did she ever disclose to you she</p> <p>14 wasn't taking medication that was prescribed to</p> <p>15 her?</p> <p>16 A. No.</p> <p>17 Q. She never asked you to meet with</p> <p>18 her psychiatrist or social worker?</p> <p>19 A. Joanne has always tried to keep me</p> <p>20 separate from everybody else in her life.</p> <p>21 Q. Did she describe anything other</p> <p>22 than, did she describe any abuse that her mother</p> <p>23 was inflicting on her?</p> <p>24 A. Verbal.</p> <p>25 Q. What kind of verbal abuse?</p>	<p style="text-align: right;">Page 21</p> <p>1 Esaun Pinto</p> <p>2 relationship with her grandmother and her mom or</p> <p>3 her for that matter.</p> <p>4 Q. And she never asked you to</p> <p>5 intercede in any way with members of her family</p> <p>6 to help her express her concerns about her</p> <p>7 relationship?</p> <p>8 A. She tried to keep me separate from</p> <p>9 the family.</p> <p>10 Q. Keep you separate, okay.</p> <p>11 A. I provided the ear for Joanne that</p> <p>12 her family didn't.</p> <p>13 Q. Did you ever introduce her to</p> <p>14 members of your family?</p> <p>15 A. Absolutely.</p> <p>16 Q. So I'll ask you, what family</p> <p>17 members do you have?</p> <p>18 A. Joanne knows my wife. She knows my</p> <p>19 kids, she knows my mother, my grandmother, my</p> <p>20 brothers, all of my close friends.</p> <p>21 Q. So you introduced her to all the</p> <p>22 people you just identified?</p> <p>23 A. Absolutely.</p> <p>24 Q. So besides in this ten-year period</p> <p>25 meeting her on Mondays at four p.m., you must</p>

6 (Pages 18 - 21)

<p style="text-align: right;">Page 22</p> <p>1 Esaun Pinto</p> <p>2 have had other occasions to be with her?</p> <p>3 A. Sure.</p> <p>4 Q. Were they at your family occasions?</p> <p>5 A. Not at family occasions, but if</p> <p>6 Joanne came to meet me at my office at four</p> <p>7 o'clock, and I had something to do after that</p> <p>8 meeting, oftentimes I would drive Joanne</p> <p>9 downtown to catch the train. In the process I</p> <p>10 might have to pick up my kid, pick up my wife,</p> <p>11 pick up my grandmother, so she would meet them</p> <p>12 on those occasions.</p> <p>13 Q. Did Joanne attend any of your</p> <p>14 family functions, like a birthday or Christmas?</p> <p>15 A. I believe she went to one or two of</p> <p>16 my kids' birthday events. She attended sporting</p> <p>17 events with myself and my kids.</p> <p>18 Q. These would be sporting events that</p> <p>19 your kids were involved in?</p> <p>20 A. Yes, not only my kids but kids that</p> <p>21 I was coaching that weren't my kids.</p> <p>22 Q. What sports were you coaching?</p> <p>23 A. Basketball and football.</p> <p>24 Q. Can you give me an estimate of how</p> <p>25 many of those occasions?</p>	<p style="text-align: right;">Page 24</p> <p>1 Esaun Pinto</p> <p>2 A. No.</p> <p>3 Q. Do you know how long her commitment</p> <p>4 was in each of those cases?</p> <p>5 A. I don't remember.</p> <p>6 Q. Did you lose touch with Joanne</p> <p>7 Black when she left the New York area and moved</p> <p>8 to other cities?</p> <p>9 A. What time period are we talking?</p> <p>10 Q. Good question. Let's say after you</p> <p>11 joined CPI in 2009 going forward, were there</p> <p>12 times that you didn't know where she was?</p> <p>13 A. I always knew where she was.</p> <p>14 Q. How is that?</p> <p>15 A. Because she would call me every</p> <p>16 day.</p> <p>17 Q. Every day?</p> <p>18 A. Every day. There hasn't been many</p> <p>19 days that Joanne hasn't called me in the last</p> <p>20 few years.</p> <p>21 Q. Where do you recall she called you</p> <p>22 from, where was she about?</p> <p>23 A. She called me from Dallas, she</p> <p>24 called me from Colorado, she called me from</p> <p>25 Illinois, she called me from California. She</p>
<p style="text-align: right;">Page 23</p> <p>1 Esaun Pinto</p> <p>2 A. Oh, I don't remember, probably a</p> <p>3 handful.</p> <p>4 Q. Did you ever, besides listening to</p> <p>5 her, did you ever give her advice about how to</p> <p>6 relate to her family?</p> <p>7 A. I would use examples I had with my</p> <p>8 own family, difficulties I had with</p> <p>9 relationships in my own family. I would use</p> <p>10 those to try to get her to communicate with her</p> <p>11 own family better.</p> <p>12 Q. Do you know whether she used that</p> <p>13 advice in trying to improve her communications</p> <p>14 with her family?</p> <p>15 A. I believe she tried.</p> <p>16 Q. The two or three times that Joanne</p> <p>17 was hospitalized during this ten-year period</p> <p>18 that you were with Bombino, do you know how it</p> <p>19 came about that she was hospitalized, did she</p> <p>20 voluntarily commit herself or did her family</p> <p>21 have her committed, do you know?</p> <p>22 A. I don't remember exactly, no.</p> <p>23 Q. I think I asked this, but I want to</p> <p>24 be sure. You didn't visit her in the hospital</p> <p>25 during those times?</p>	<p style="text-align: right;">Page 25</p> <p>1 Esaun Pinto</p> <p>2 called me from Arkansas, I believe.</p> <p>3 Q. Did she explain why she was in</p> <p>4 these different locales?</p> <p>5 A. For a two-year period Joanne, about</p> <p>6 two years, Joanne was gone. Joanne called me at</p> <p>7 least twice a day every day, and I was upset</p> <p>8 with Joanne. Joanne and I were not on speaking</p> <p>9 terms at the time.</p> <p>10 Q. You were not on speaking terms?</p> <p>11 A. No. So I believe it was, I believe</p> <p>12 it was 2011 I demanded that Joanne get help, she</p> <p>13 wasn't well, and she wanted to meet me in</p> <p>14 Yonkers. I sent one of my guys that she was</p> <p>15 familiar with to meet her and eventually met up</p> <p>16 with her.</p> <p>17 I had my guy stay with her until I</p> <p>18 got there. Joanne wasn't well, and I demanded</p> <p>19 that she seek help. She refused to, so I had</p> <p>20 one of my guys follow Joanne. Joanne headed</p> <p>21 north on the New York thruway.</p> <p>22 Eventually Joanne, I found out</p> <p>23 Joanne got hospitalized somewhere upstate New</p> <p>24 York. But Joanne would call me, like I said, at</p> <p>25 least twice a day for the next couple of years</p>

7 (Pages 22 - 25)

<p style="text-align: right;">Page 26</p> <p>1 Esaun Pinto</p> <p>2 up until I get the call to go get Joanne or go</p> <p>3 see Joanne in Colorado.</p> <p>4 So I would listen to the first</p> <p>5 five, ten, 15 seconds of her voice message to</p> <p>6 try to ascertain whether she got the help she</p> <p>7 needed, where she was, and then dealt with the</p> <p>8 internal fight within myself about what I would</p> <p>9 do about it.</p> <p>10 Q. What were you conflicted about?</p> <p>11 A. Getting involved.</p> <p>12 Q. You were hesitant to do that?</p> <p>13 A. Yeah.</p> <p>14 Q. Beyond being the ear that she</p> <p>15 needed?</p> <p>16 A. My relationship with Joanne</p> <p>17 surpassed that of a professional relationship.</p> <p>18 Q. You had become a friend?</p> <p>19 A. I became the only family she had.</p> <p>20 Surpassed friendship as well.</p> <p>21 Q. Do you know how long she was out of</p> <p>22 the New York area before you were asked to go to</p> <p>23 Colorado to bring her back?</p> <p>24 A. Out of the New York City area?</p> <p>25 Q. Away from home. Let me rephrase</p>	<p style="text-align: right;">Page 28</p> <p>1 Esaun Pinto</p> <p>2 that you recall?</p> <p>3 A. I recall that she wasn't well.</p> <p>4 That stands out.</p> <p>5 Q. Did she say things that led you to</p> <p>6 believe she wasn't well?</p> <p>7 A. I could tell as soon as I picked up</p> <p>8 the phone from Joanne's voice that she wasn't</p> <p>9 well.</p> <p>10 Q. Anything she said that you recall</p> <p>11 that also confirmed that?</p> <p>12 A. Other than where she was or what</p> <p>13 she was doing, I mean, no, I don't remember the</p> <p>14 details, no.</p> <p>15 Q. Did you save those messages?</p> <p>16 A. No.</p> <p>17 Q. Did you ever share those messages</p> <p>18 with any professional that Joanne had seen in</p> <p>19 the past?</p> <p>20 A. No. I don't have that phone line</p> <p>21 anymore.</p> <p>22 Q. I understand. I'm talking about</p> <p>23 now at the time --</p> <p>24 A. No.</p> <p>25 Q. -- Mr. Pinto, did you say I'm going</p>
<p style="text-align: right;">Page 27</p> <p>1 Esaun Pinto</p> <p>2 the question. How long was she away from</p> <p>3 whatever her home was?</p> <p>4 A. I would assume it was about two</p> <p>5 years.</p> <p>6 Q. During that two-year period, you</p> <p>7 never saw her?</p> <p>8 A. No.</p> <p>9 Q. Was there any conversation during</p> <p>10 that two-year period that she was calling you</p> <p>11 that you have a distinct memory of, something</p> <p>12 she said?</p> <p>13 A. Again, I only listened to the first</p> <p>14 five to 15 seconds of the message. I didn't</p> <p>15 speak to Joanne.</p> <p>16 Q. She just left voicemails for you?</p> <p>17 A. Yes.</p> <p>18 Q. And you didn't call her back?</p> <p>19 A. No.</p> <p>20 Q. Why didn't you call her back?</p> <p>21 A. Because she wasn't well yet.</p> <p>22 Q. In the messages, was there any,</p> <p>23 again, as you sit here today, I realize it's a</p> <p>24 long time ago, I'm trying to piece together the</p> <p>25 story. Was there anything in those messages</p>	<p style="text-align: right;">Page 29</p> <p>1 Esaun Pinto</p> <p>2 to send that voicemail to some doctor?</p> <p>3 A. I didn't have a relationship with</p> <p>4 anybody to send it to.</p> <p>5 Q. You didn't send it to any Black</p> <p>6 family members?</p> <p>7 A. I didn't have a relationship with</p> <p>8 anybody else in Joanne's life.</p> <p>9 Q. So let's forward now to the time</p> <p>10 period you were asked to go to Colorado --</p> <p>11 A. Sure.</p> <p>12 Q. -- to retrieve Joanne. First of</p> <p>13 all, how were you contacted about that work?</p> <p>14 A. I was first contacted by Cherie</p> <p>15 Wrigley.</p> <p>16 Q. Tell us what you remember about</p> <p>17 that contact.</p> <p>18 A. Sure. I was at work, I was on a</p> <p>19 protection detail and I got a phone call</p> <p>20 sometime that evening, it was probably ten, 11</p> <p>21 o'clock at night, I answered the phone.</p> <p>22 The person asked if I was Esaun</p> <p>23 Pinto, I told them yes. She introduced herself</p> <p>24 as Cherie Wrigley. She mentioned having</p> <p>25 concerns about Joanne. She told me she was in</p>

8 (Pages 26 - 29)

<p style="text-align: right;">Page 30</p> <p>1 Esaun Pinto</p> <p>2 Colorado trying to find Joanne.</p> <p>3 She felt, she told me that she felt</p> <p>4 Joanne was in a bad way, and she seemed to be</p> <p>5 looking for some help.</p> <p>6 Q. I take it this contact from the way</p> <p>7 you described it was over the telephone?</p> <p>8 A. Sure.</p> <p>9 Q. Do you know how Ms. Wrigley found</p> <p>10 you?</p> <p>11 A. I'm not 100 percent sure of that.</p> <p>12 Q. Do you have a guess?</p> <p>13 MR. KATZ: Objection to form.</p> <p>14 A. I don't know.</p> <p>15 Q. What was your response?</p> <p>16 A. I said I'll call you back because</p> <p>17 she's probably going to call me within the next</p> <p>18 ten minutes. Joanne's life is on a schedule</p> <p>19 when it comes to me. Usually one of the first</p> <p>20 people I speak to in the morning or one of the</p> <p>21 last people I speak to at night, it's been 20</p> <p>22 years.</p> <p>23 Q. Did Joanne call you?</p> <p>24 A. She sure did.</p> <p>25 Q. This time you picked up as opposed</p>	<p style="text-align: right;">Page 32</p> <p>1 Esaun Pinto</p> <p>2 Q. How did you respond to that?</p> <p>3 A. I said Joanne, it's me.</p> <p>4 Q. What else transpired in that</p> <p>5 conversation?</p> <p>6 A. She spoke about what was going on,</p> <p>7 how she felt, her back hurting, teeth hurting,</p> <p>8 and I said Joanne, I'm upset with you, you never</p> <p>9 got the help you needed.</p> <p>10 So I said if I come out there,</p> <p>11 Joanne, you're going to get help. Joanne was</p> <p>12 ecstatic, she was ecstatic, I hadn't spoken to</p> <p>13 her in about two years.</p> <p>14 Q. Did you then call Ms. Wrigley back?</p> <p>15 A. Yeah.</p> <p>16 Q. The same day?</p> <p>17 A. The same night.</p> <p>18 Q. What happened in that conversation?</p> <p>19 A. I told her we would touch base</p> <p>20 tomorrow. I'll think about what I want to do,</p> <p>21 and we'll talk about what that looks like</p> <p>22 tomorrow. I was at work at the time.</p> <p>23 Q. The next day you had another</p> <p>24 conversation with Ms. Wrigley?</p> <p>25 A. Right.</p>
<p style="text-align: right;">Page 31</p> <p>1 Esaun Pinto</p> <p>2 to listening to a message?</p> <p>3 A. I picked up.</p> <p>4 Q. And you had a conversation with</p> <p>5 Joanne?</p> <p>6 A. Yeah.</p> <p>7 Q. What did she say and what did you</p> <p>8 say?</p> <p>9 A. I said what the hell is going on,</p> <p>10 where are you.</p> <p>11 Q. What did she say?</p> <p>12 A. She said she's in Colorado.</p> <p>13 Actually, actually, she hung up on me first.</p> <p>14 Q. So did you call her back or did she</p> <p>15 call you back?</p> <p>16 A. I don't remember if I called her</p> <p>17 back or she called me back.</p> <p>18 Q. But you spoke shortly thereafter?</p> <p>19 A. Yeah.</p> <p>20 Q. What do you recall about that</p> <p>21 conversation?</p> <p>22 A. She said you sound like a white</p> <p>23 man, that's why I hung up.</p> <p>24 MR. KATZ: Can you read that back?</p> <p>25 (The record was read.)</p>	<p style="text-align: right;">Page 33</p> <p>1 Esaun Pinto</p> <p>2 Q. What happened in that conversation?</p> <p>3 A. I told her why I was hesitant in</p> <p>4 getting involved.</p> <p>5 Q. Why were you hesitant?</p> <p>6 A. Because my relationship with Joanne</p> <p>7 exceeded a professional relationship. Joanne</p> <p>8 was, my relationship with Joanne affected all</p> <p>9 aspects of my life.</p> <p>10 Q. Can you explain that a little bit?</p> <p>11 A. Joanne had a lot of problems, a lot</p> <p>12 of issues. There were things, there were things</p> <p>13 that I was involved in with Joanne that were</p> <p>14 difficult, they were very difficult.</p> <p>15 So I didn't, it was difficult</p> <p>16 because I didn't have anybody else's help from</p> <p>17 her family, I didn't know anyone. It was kind</p> <p>18 of just me and Joanne.</p> <p>19 And then trying to get her help and</p> <p>20 her refusing to get help and communicating with</p> <p>21 her at times was heartbreaking, you know,</p> <p>22 because it was past a professional relationship,</p> <p>23 I cared about Joanne.</p> <p>24 Q. So when you spoke to Ms. Wrigley</p> <p>25 the next day, what did you say to her about your</p>

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1 Esaun Pinto
2 willingness to participate?
3 A. I'll do it but I can't do it by
4 myself.
5 Q. Did you tell Ms. Wrigley who you
6 needed to help you?
7 A. I needed her help. I didn't know
8 anybody else. I didn't even know Ms. Wrigley,
9 she was just the only person I was communicating
10 with, and this is the start of my relationship
11 now.
12 Q. During this 2013 call, before that,
13 did you know that Joanne's mother had passed
14 away?
15 A. Cherie told me.
16 Q. Joanne told you?
17 A. Cherie told me.
18 Q. In that conversation?
19 A. In one of those conversations.
20 Q. Joanne had never left you a message
21 about that?
22 A. I never listened that far.
23 Q. I see. So in other words, if you
24 knew Joanne was leaving you a message, you
25 didn't listen?

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1 Esaun Pinto
2 A. I listened to the first five to 15
3 seconds.
4 Q. Did you generally delete the
5 message then?
6 A. Yes. You've got to understand,
7 we're talking at least two messages every day
8 for two years. I couldn't keep those messages
9 on my phone.
10 Q. Sure. What happened next after you
11 had this conversation with, the conversation the
12 second day with Ms. Wrigley?
13 A. I think there was a communication
14 between me and Bernard, and soon thereafter we
15 made the arrangements for me to travel to
16 Colorado.
17 Q. How did you reach Bernard, how did
18 you know to contact him?
19 A. Cherie.
20 Q. She said you ought to call Bernard?
21 A. Something to that effect.
22 Q. And you spoke to him by telephone,
23 you didn't meet him in person?
24 A. I didn't meet him in person. I
25 believe I contacted him via email.

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1 Esaun Pinto
2 MR. KATZ: Can you just read that
3 back?
4 (The record was read.)
5 Q. And that email was followed up by
6 telephone conversations?
7 A. I don't remember.
8 Q. How much time transpired, occurred
9 between your first communication with Bernard
10 and your actual trip to Colorado?
11 A. A couple of days. There was a
12 sense of urgency.
13 Q. Was that conveyed in your
14 communications with Bernard as well?
15 MR. KATZ: Objection to form.
16 A. That was from my communication with
17 Joanne and Cherie. I don't remember how that
18 went with Bernard.
19 Q. How did you travel to Colorado?
20 A. I flew.
21 Q. Where did you meet Cherie?
22 A. Where did I meet Cherie?
23 Q. Was Cherie in Colorado as well?
24 A. No, she was gone.
25 Q. The reason I ask that is you

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1 Esaun Pinto
2 mentioned you needed assistance.
3 A. Right.
4 Q. Okay. And I think you said you
5 needed Cherie's assistance.
6 A. Right.
7 Q. Did you mean you needed her
8 assistance in Colorado?
9 A. No. I didn't need her assistance
10 physically. I needed somebody that I could
11 reach out in the event I needed to talk about
12 what was going on.
13 Q. Did you travel to Colorado by
14 yourself?
15 A. Initially.
16 Q. Did someone ultimately or later
17 meet you?
18 A. I had a guy there, yeah, in a
19 different part of Colorado.
20 Q. This is somebody who lived in
21 Colorado or one of your employees?
22 A. This is a guy who worked for me in
23 New York that relocated to Colorado.
24 Q. What was his name?
25 A. Jamie Bostick.

<p style="text-align: right;">Page 38</p> <p>1 Esaun Pinto</p> <p>2 Q. B-O-S-T-I-C-K?</p> <p>3 A. Something to that effect.</p> <p>4 Q. This is a mister?</p> <p>5 A. Yes.</p> <p>6 Q. When did you first meet Joanne in</p> <p>7 Colorado?</p> <p>8 A. A couple of days after touching</p> <p>9 down. I had Joanne under surveillance for at</p> <p>10 least a day or two prior to making contact with</p> <p>11 her.</p> <p>12 Q. Why did you choose to do that?</p> <p>13 A. That's what I was instructed to do.</p> <p>14 Q. What did you discover during that</p> <p>15 surveillance?</p> <p>16 A. She was in bad shape.</p> <p>17 Q. What was she doing during that</p> <p>18 surveillance that confirmed that to you?</p> <p>19 A. She was wandering around, multiple</p> <p>20 bags, wheelie bags, bags on her back.</p> <p>21 MR. KATZ: Can you read back that</p> <p>22 answer.</p> <p>23 (The record was read.)</p> <p>24 Q. How did you find her to do the</p> <p>25 surveillance?</p>	<p style="text-align: right;">Page 40</p> <p>1 Esaun Pinto</p> <p>2 A. I don't remember if it was the</p> <p>3 first or second day.</p> <p>4 Q. How long were you with her in</p> <p>5 Colorado?</p> <p>6 A. A couple of days.</p> <p>7 Q. Did you tell her that you had come</p> <p>8 to help her back home or you just were</p> <p>9 coincidentally in Colorado?</p> <p>10 A. I didn't put any pressure on her</p> <p>11 initially. I tried not to put any pressure on</p> <p>12 her at all because she was in bad shape.</p> <p>13 Everything was a suggestion, and I provided an</p> <p>14 ear again. And once I kind of had a feel of</p> <p>15 where she was, then the conversation started to</p> <p>16 change a little bit.</p> <p>17 Q. Ultimately, were you able to bring</p> <p>18 her back to New York?</p> <p>19 A. Right.</p> <p>20 Q. How did you do that?</p> <p>21 A. How did I do what?</p> <p>22 Q. Bring her back to New York.</p> <p>23 A. We drove.</p> <p>24 Q. Why didn't you fly?</p> <p>25 A. Joanne wouldn't fly.</p>
<p style="text-align: right;">Page 39</p> <p>1 Esaun Pinto</p> <p>2 A. I don't remember exactly, but I</p> <p>3 know I got a lead from Cherie.</p> <p>4 Q. Where was Joanne living when you</p> <p>5 found her?</p> <p>6 A. In a motel, I believe the motel was</p> <p>7 in Aurora.</p> <p>8 Q. After you surveilled her for a</p> <p>9 couple of days, how did you approach her?</p> <p>10 A. I don't remember exactly, but I</p> <p>11 think I just went to her hotel room.</p> <p>12 Q. Knocked on the door?</p> <p>13 A. I believe so.</p> <p>14 Q. She was glad to see you?</p> <p>15 A. Yeah.</p> <p>16 Q. What did you do next?</p> <p>17 A. I took her to get something to eat.</p> <p>18 Q. Did you take her to get any medical</p> <p>19 assistance in Colorado?</p> <p>20 A. No.</p> <p>21 Q. Did you discuss with her returning</p> <p>22 to New York?</p> <p>23 A. She discussed that later with me.</p> <p>24 Q. Later the first day you met her or</p> <p>25 days after?</p>	<p style="text-align: right;">Page 41</p> <p>1 Esaun Pinto</p> <p>2 Q. I assume it took you more than a</p> <p>3 day to drive?</p> <p>4 A. I believe it was like 36 hours,</p> <p>5 something like that, through a blizzard, through</p> <p>6 a tornado, a rough ride.</p> <p>7 Q. Where did you bring Joanne when you</p> <p>8 returned to the New York area?</p> <p>9 A. We checked her into a motel in</p> <p>10 Jersey City, a place she had stayed before.</p> <p>11 Q. What happened next with your</p> <p>12 relationship with Joanne?</p> <p>13 A. My relationship with Joanne?</p> <p>14 Q. I'm trying to find out what you did</p> <p>15 with Joanne afterwards. You checked into a</p> <p>16 motel, did you continue to meet with her, did</p> <p>17 you get her medical care, what was your role?</p> <p>18 A. I suggested that she get help.</p> <p>19 I've been suggesting that for two years now.</p> <p>20 But Joanne wasn't well, so Joanne was delusional</p> <p>21 about a lot of things, and at that point it was</p> <p>22 just keeping her safe, keeping her safe while</p> <p>23 communicating with Cherie and Bernard about what</p> <p>24 the next step is.</p> <p>25 Q. Did you stay at the motel with her?</p>

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1 Esaun Pinto

2 A. No.

3 Q. Did you have somebody who worked

4 for you assigned to that?

5 A. Sure.

6 Q. Is that like a 24-hour a day

7 assignment?

8 A. Absolutely, yes. As far as Bernard

9 and Cherie were concerned, it would have been

10 senseless to get her all the way back to the New

11 York area and not have eyes and ears on her and

12 her just run away again.

13 So I had somebody with her, there

14 were two of my closest friends who are also

15 bodyguards that she was familiar with. She had

16 known both of these guys for a number of years

17 now.

18 Q. During that time, was she able to

19 go about whatever she wanted to do as long as

20 your employees were with her?

21 A. Sure, they would take her shopping.

22 They took her out, I think they went to the

23 movies a couple of times.

24 Q. She wasn't locked up in the hotel?

25 A. Not at all.

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1 Esaun Pinto

2 Q. What was your principal involvement

3 going forward then with Joanne after you had

4 returned her to New York?

5 A. I don't really understand the

6 question.

7 Q. Sure. You had done a number of

8 things, you had known Joanne for many years.

9 A. Right.

10 Q. You had been in contact with her

11 for many years, you had gone out to Colorado,

12 brought her back to New York, what next did you

13 do on behalf of Joanne?

14 A. I just became that friend again. I

15 tried to convince Joanne that there was a

16 problem and that she needed to get help.

17 Q. Were you asked to provide any

18 specific services for Joanne by Cherie once you

19 returned to New York?

20 A. Other than keeping her safe and

21 trying to get the help that she needed, no.

22 Q. How long did this sort of

23 arrangement with Joanne at the motel and your

24 employees keeping her safe, how long did that go

25 on?

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1 Esaun Pinto

2 A. I don't remember exactly, but a few

3 weeks for sure.

4 Q. And then did she no longer need the

5 bodyguards and she was left alone or did

6 something change?

7 A. Joanne had the bodyguards with her

8 up until she was hospitalized.

9 Q. When was she hospitalized?

10 A. I don't remember the date, sometime

11 in June, I believe.

12 Q. Of 2013?

13 A. Yes, 2013.

14 Q. Before she was hospitalized, did

15 you meet in person with Mr. Black, Bernard

16 Black?

17 A. I requested it a number of times

18 but it never happened.

19 Q. You didn't meet with him then?

20 A. He wouldn't meet with me.

21 Q. Do you know why?

22 A. Why he wouldn't meet with me?

23 Q. Yes.

24 A. I can assume why, but I don't

25 really know why.

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1 Esaun Pinto

2 Q. What would your assumption be?

3 A. He didn't want to.

4 Q. Do you know why he didn't want to?

5 A. I don't know why he didn't want to.

6 Q. Did you meet with Ms. Wrigley?

7 A. No.

8 Q. Do you know how Joanne received the

9 hospitalization, did she go voluntarily, did you

10 escort her, was somebody else involved?

11 A. She didn't go voluntarily.

12 Q. How was she hospitalized?

13 A. Joanne had a bad episode, it was

14 triggered by emergency vehicles, one of her

15 triggers, and I tried to get Joanne to calm down

16 and get back into her hotel room. One of my

17 guys called me and said she was in a really bad

18 way so I responded.

19 There was no convincing her to calm

20 down. There was no convincing her to go back to

21 the hotel room. She wouldn't even allow my guys

22 to escort her away from the area, and in trying

23 to flee, Joanne stepped into oncoming traffic on

24 Route 1 and 9 in New Jersey, and at that point

25 we had to call 911.

<p style="text-align: right;">Page 46</p> <p>1 Esaun Pinto</p> <p>2 Q. Was she struck?</p> <p>3 A. No, she wasn't. No, we kept her</p> <p>4 from being hit, but it was a bad scene.</p> <p>5 Q. At that point you realized she was</p> <p>6 a danger to herself?</p> <p>7 A. Yes.</p> <p>8 Q. When you called 911 --</p> <p>9 A. I don't think -- I know I wasn't</p> <p>10 the one to call. I believe Adrian Lawrence</p> <p>11 called.</p> <p>12 Q. When that happened, the ambulance</p> <p>13 took her to a hospital?</p> <p>14 A. Yes.</p> <p>15 Q. Did she agree to go to the</p> <p>16 hospital?</p> <p>17 A. She didn't want to go, no.</p> <p>18 Q. Were one of your associates along</p> <p>19 with her in the ambulance?</p> <p>20 A. No, she wouldn't allow it.</p> <p>21 Q. And you weren't either?</p> <p>22 A. She wouldn't allow it, she was</p> <p>23 upset with me now.</p> <p>24 Q. But she did get in the ambulance?</p> <p>25 A. Right. So we took her property,</p>	<p style="text-align: right;">Page 48</p> <p>1 Esaun Pinto</p> <p>2 of them then went to the hospital?</p> <p>3 A. No.</p> <p>4 Q. You don't know?</p> <p>5 A. No, they didn't.</p> <p>6 Q. They did not. When you visited her</p> <p>7 two or three days later, was there any other</p> <p>8 family member or any friend of hers at the</p> <p>9 hospital with her?</p> <p>10 A. Other than myself, no.</p> <p>11 Q. I assume this was a locked unit?</p> <p>12 A. Actually, I'm sorry, I believe</p> <p>13 Adrian Lawrence was with her.</p> <p>14 Q. Ms. Black, I take it, was</p> <p>15 restrained in a locked unit?</p> <p>16 A. Oh, yeah, she was in the</p> <p>17 psychiatric ward.</p> <p>18 Q. How long was she in the hospital</p> <p>19 for that episode, do you recall?</p> <p>20 A. A few days, not exactly, it was at</p> <p>21 least a few days before she was transferred out.</p> <p>22 Q. Where was she transferred to?</p> <p>23 A. I believe it was Secaucus</p> <p>24 Psychiatric Hospital, I believe. I know it was</p> <p>25 in Secaucus, I'm not 100 percent sure of what</p>
<p style="text-align: right;">Page 47</p> <p>1 Esaun Pinto</p> <p>2 again, she had a number of suitcases and wheelie</p> <p>3 bags and backpacks. So we safeguarded that</p> <p>4 stuff, most of that stuff. We cleared out her</p> <p>5 motel room.</p> <p>6 The ambulance took her to the</p> <p>7 hospital, and I believe I saw Joanne a couple of</p> <p>8 days later.</p> <p>9 Q. Do you know what the basis of the</p> <p>10 admission to the hospital was?</p> <p>11 A. She was psychotic.</p> <p>12 Q. So this was some sort of</p> <p>13 psychiatric hospital that she was taken to?</p> <p>14 A. Yeah. Actually, she was taken to a</p> <p>15 hospital that had a psychiatric unit, yeah.</p> <p>16 Q. Did you communicate at that point</p> <p>17 with either Ms. Wrigley or Bernard Black?</p> <p>18 A. I was on the phone with both of</p> <p>19 them at various times during that process the</p> <p>20 day that she was picked up.</p> <p>21 Q. Did they give you any instructions</p> <p>22 or request you to do anything more?</p> <p>23 A. There was nothing else for me to do</p> <p>24 that day.</p> <p>25 Q. Okay. Do you know whether either</p>	<p style="text-align: right;">Page 49</p> <p>1 Esaun Pinto</p> <p>2 the name of it is.</p> <p>3 Q. Sure, all this is a long time ago,</p> <p>4 I don't expect you to have perfect recall about</p> <p>5 this.</p> <p>6 How long was she in the hospital in</p> <p>7 Secaucus?</p> <p>8 A. At least a couple of months.</p> <p>9 Q. Did you receive any instructions or</p> <p>10 employment with regard to Joanne while she was</p> <p>11 hospitalized --</p> <p>12 A. Sure.</p> <p>13 Q. -- in Secaucus?</p> <p>14 A. Sure.</p> <p>15 Q. Tell me how that happened.</p> <p>16 A. In communication with Cherie and</p> <p>17 Bernard, I was to play the role of next of kin,</p> <p>18 communicate with Joanne, communicate with the</p> <p>19 staff.</p> <p>20 Q. Did you get a power of attorney</p> <p>21 from either Mr. Black or Cherie Wrigley in terms</p> <p>22 of care for Joanne?</p> <p>23 A. No.</p> <p>24 Q. And did you communicate, have</p> <p>25 communications with the physicians who were</p>

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1 Esaun Pinto
2 treating Joanne --
3 A. Yeah.
4 Q. -- in that hospital?
5 A. Yes.
6 Q. Was it part of your job to
7 communicate then with Ms. Wrigley and Mr. Black
8 about what the physicians were telling you?
9 A. No.
10 Q. Did they communicate, as far as you
11 know, directly with the physicians?
12 A. No.
13 Q. So nobody was communicating with
14 the physicians who were treating Joanne?
15 A. Other than myself, no.
16 Q. And to your knowledge, neither Ms.
17 Wrigley nor Mr. Black knew what the physicians
18 were saying about her care?
19 A. They knew what I told them.
20 Q. Well, that was sort of my question,
21 whether you were communicating what the
22 physicians told you.
23 A. You asked me if that was my job.
24 Q. That was not your job?
25 A. My job was to take care of Joanne.

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1 Esaun Pinto
2 Q. Were they compensating you at that
3 time?
4 A. Sure.
5 Q. What happened after Joanne was
6 released from this hospital in Secaucus?
7 A. She was transferred to South Beach
8 in Staten Island. She was actually trying to
9 get a transfer to a hospital in Brooklyn. There
10 weren't any beds available and this is, this was
11 an attempt to bring Joanne closer to me. Again,
12 this relationship superceded any professional
13 relationship, this was life changing.
14 Q. And the reason you preferred it in
15 Brooklyn is because you resided in Brooklyn?
16 A. The reason why I preferred it?
17 Q. You mentioned they were trying to
18 transfer her to a hospital in Brooklyn.
19 A. This has nothing to do with what I
20 preferred.
21 Q. I see. So tell me why the transfer
22 was to --
23 A. This is what Joanne preferred.
24 Q. I see, thank you. So She wanted to
25 be transferred to a Brooklyn facility --

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1 Esaun Pinto
2 A. She wanted to be transferred
3 someplace closer to me.
4 Q. And was part of your employment
5 when she was transferred to South Beach to visit
6 her in that hospital?
7 A. Yes.
8 Q. Did any of your associates, people
9 who were working either with you or for you also
10 visit her at the time?
11 A. Sure, both at the South Beach, the
12 Jersey City and the Secaucus hospital.
13 Q. Did they visit you with her or make
14 their own independent visits?
15 A. It depends, it depended on what
16 Joanne wanted.
17 Q. I'm going to ask you more questions
18 about what was going on, but I'm now going to go
19 to some documents which is typical of a
20 deposition.
21 A. Sure.
22 Q. Just so you know, documents are a
23 way of refreshing people's recollection and
24 focussing testimony.
25 A. Sure.

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1 Esaun Pinto
2 Q. So we marked each document that I'm
3 going to show you has a sticker on it with a
4 number. That's why I'm going to describe it to
5 you that way so we have a record so everybody
6 can figure out what am I saying, what am I
7 talking about.
8 So this is a document marked Pinto
9 Exhibit 1.
10 MR. KATZ: This is Exhibit 1?
11 MR. SCHAALMAN: Yes.
12 MR. KATZ: Pinto 1?
13 MR. SCHAALMAN: Yes.
14 Q. Did you, Mr. Pinto, did you review
15 any documents in preparation for your deposition
16 today?
17 A. Sure.
18 Q. Can you tell me what you reviewed,
19 what kinds of documents first?
20 A. These kind of documents.
21 Q. Emails?
22 A. Sure.
23 Q. Did you review any other kinds of
24 documents other than emails?
25 A. Yeah, the attorney showed me a

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1 Esaun Pinto
2 couple of things.
3 Q. Were they invoices?
4 A. That's an email.
5 Q. The invoices were attached to
6 emails?
7 A. Sure.
8 Q. Other than emails, what other kind
9 of documents did you review?
10 A. He showed me a couple of things, I
11 don't remember what you call them, but a couple
12 of things.
13 Q. When did you review these with your
14 attorneys?
15 A. In the last couple of days.
16 Q. Do you recall approximately how
17 many documents you reviewed?
18 A. I don't remember how many.
19 Q. So let's look at, this is an email
20 dated June 24, 2013 from you to Ms. Wrigley.
21 A. Right.
22 Q. Do you recall this email?
23 A. No, not particularly, but I'm
24 looking at it, I'm sure it was a communication.
25 Q. So this would be before or after

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1 Esaun Pinto
2 you returned her to New York?
3 A. This is after she's returned to New
4 York.
5 Q. In the paragraph, the first
6 paragraph it says, When I return to New York,
7 she expects me to visit three times per week.
8 Do you recall where you were when you wrote this
9 if you weren't in New York?
10 A. I don't know.
11 Q. Okay. Do you recall which hospital
12 she was in when you wrote this?
13 A. I'm assuming Secaucus.
14 Q. Below there's an email from Cherie
15 Wrigley to you, do you see that and the subject
16 is billing.
17 A. Yeah.
18 Q. And she wrote, Doing battle with
19 Bernie. Do you recall what she meant?
20 A. Not exactly.
21 Q. She wrote, He wants to shut down
22 the operation and I am not going to let him.
23 What operation was she referring to, do you
24 know?
25 A. Me caring for Joanne. And I'm

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1 Esaun Pinto
2 assuming this is Secaucus, I'm not quite sure
3 because I don't remember exactly when she was
4 hospitalized. She could have been in Jersey
5 City still. I don't know for sure.
6 Q. Okay. Do these dates of June 2013
7 refresh your recollection when you would have
8 gone to Colorado to retrieve Joanne?
9 A. That was in April.
10 Q. April, okay. You mentioned in the
11 second paragraph in your email to Ms. Wrigley, I
12 have withdrawn her from Chase account and can
13 continue if needed. I would prefer that the
14 invoice be paid. Hopefully we will gain some
15 ground with Bernie. Please keep me informed.
16 What was going on with your
17 withdrawing money from -- were you withdrawing
18 money from Joanne's Chase checking account?
19 A. Yes.
20 Q. How did you do that?
21 A. I used the ATM card.
22 Q. So obviously Joanne had given you
23 the information on the card so you could
24 withdraw money for her?
25 A. Joanne refused to use the card

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1 Esaun Pinto
2 because I believe Bernard's name was on it.
3 Q. Do you know if this was the card
4 that her mother sent her while she was on the
5 road to provide income, moneys for her?
6 A. That her mother sent her?
7 Q. Yes.
8 A. I don't think so. I don't know for
9 sure, but I don't think so. I assume that that
10 card, that account and card was generated after
11 her mother passed away.
12 Q. And you wrote, I would prefer that
13 the invoice be paid. You preferred to have your
14 invoices paid as opposed to taking money out of
15 the account?
16 A. Sure.
17 Q. And why was that?
18 A. Why would I prefer my invoices to
19 be paid?
20 Q. As opposed to taking money out of
21 Joanne's account.
22 A. It's the natural way things should
23 work.
24 Q. Mr. Pinto, there's Exhibit 2. So
25 this appears to be a continuation of the first

<p style="text-align: right;">Page 58</p> <p>1 Esaun Pinto</p> <p>2 email.</p> <p>3 A. Yes.</p> <p>4 Q. And you wrote, If we can get at</p> <p>5 least 5K of the invoice paid it would help us</p> <p>6 until we get through to Bernie.</p> <p>7 At this point, had you made any</p> <p>8 effort to communicate directly with Mr. Black</p> <p>9 about getting your invoice paid?</p> <p>10 A. I communicated with Mr. Black from</p> <p>11 the beginning, from the initial email with the</p> <p>12 conversation about going to Colorado, sure.</p> <p>13 Q. And he had told you when you wrote</p> <p>14 this email on June 24, 2013 to Ms. Wrigley that</p> <p>15 he wasn't going to pay your invoice?</p> <p>16 A. He wasn't paying my invoice. It</p> <p>17 was difficult to get paid from Mr. Black.</p> <p>18 Q. Do you know why?</p> <p>19 A. Mr. Black was concerned with</p> <p>20 dollars and cents and not in touch with what was</p> <p>21 going on with Joanne.</p> <p>22 Q. How was he not in touch?</p> <p>23 A. So again, my relationship with</p> <p>24 Joanne is a difficult one. I played multiple</p> <p>25 roles in Joanne's life.</p>	<p style="text-align: right;">Page 60</p> <p>1 Esaun Pinto</p> <p>2 and do the best I could.</p> <p>3 However, in the process of all of</p> <p>4 that, my expenses are going through the roof and</p> <p>5 I wasn't in a position to cover all of these</p> <p>6 expenses.</p> <p>7 So Bernard wants to say, you know</p> <p>8 what, this is too much, just call 911 and get</p> <p>9 her picked up, and it wasn't that easy for me.</p> <p>10 Q. What did Joanne at that time, we're</p> <p>11 talking about the Colorado visit by you and</p> <p>12 bringing her back to New York, what was she</p> <p>13 telling you about Cherie?</p> <p>14 A. She was afraid of her.</p> <p>15 Q. Did she tell you why?</p> <p>16 A. She felt like she was stalking her.</p> <p>17 But after I got the story from Cherie, I</p> <p>18 understood what Cherie was trying to do, then I</p> <p>19 had a better understanding of what she was</p> <p>20 trying to do. She wasn't stalking her, she was</p> <p>21 actually trying to help her.</p> <p>22 Q. And stalking, did you understand</p> <p>23 that Joanne saw Cherie around her?</p> <p>24 A. I don't know if she saw Cherie.</p> <p>25 What I believe happened was that she was getting</p>
<p style="text-align: right;">Page 59</p> <p>1 Esaun Pinto</p> <p>2 When we spoke about going to</p> <p>3 Colorado to get me involved in Joanne's life,</p> <p>4 again, the idea from both Bernard and Cherie</p> <p>5 was, if she's going to hate the two of us,</p> <p>6 meaning Bernard and Cherie, then we have to</p> <p>7 figure out a way for me to continue</p> <p>8 communicating with Joanne so that they, we all</p> <p>9 would know what was going on with her at all</p> <p>10 times.</p> <p>11 So they put me in a really weird</p> <p>12 position because I don't know Cherie or Bernard.</p> <p>13 I know what Joanne says about the two of them,</p> <p>14 but I don't know either one of them.</p> <p>15 So there were a lot of situations</p> <p>16 where I just had to use my better judgment and</p> <p>17 what I provide for Joanne and what I provide to</p> <p>18 Cherie and Bernard.</p> <p>19 Keeping Joanne safe was one thing.</p> <p>20 Figuring out who Cherie and Bernard was is</p> <p>21 different. Joanne was giving me a story that I</p> <p>22 didn't know to believe or not.</p> <p>23 So all I can do at that point was</p> <p>24 try to keep her safe, believe in Joanne, believe</p> <p>25 that I knew Joanne better than the other two,</p>	<p style="text-align: right;">Page 61</p> <p>1 Esaun Pinto</p> <p>2 reports from people at the various motels that</p> <p>3 Cherie was looking for her.</p> <p>4 Q. I'm going to be taking these out of</p> <p>5 order and I apologize.</p> <p>6 A. That's fine.</p> <p>7 Q. If there's confusion, some of these</p> <p>8 I'll use later but they're marked earlier.</p> <p>9 A. Sure.</p> <p>10 Q. This is Exhibit 5. This appears to</p> <p>11 be an email from Mr. Black dated July 8, 2013 to</p> <p>12 you and Ms. Wrigley. But let's see if we can</p> <p>13 start, let's start on the second page which I</p> <p>14 think starts the string.</p> <p>15 A. Okay.</p> <p>16 Q. Even though I can't really say for</p> <p>17 sure since the time zones are changing this.</p> <p>18 The first email on the string is on the second</p> <p>19 page of Exhibit 5, it's from you, Mr. Pinto,</p> <p>20 dated July 8, 2013 to Bernard Black with a copy</p> <p>21 to Cherie Wrigley. You write, Hello Mr. Black I</p> <p>22 have not ignored your emails or requests.</p> <p>23 At the time you were communicating</p> <p>24 with Mr. Black, had he asked you to do something</p> <p>25 with regard to the invoices or getting you paid?</p>

<p style="text-align: right;">Page 62</p> <p>1 Esaun Pinto</p> <p>2 A. Right.</p> <p>3 Q. What do you recall about that?</p> <p>4 A. Oh, I don't know. I don't know.</p> <p>5 Q. He wrote, Joanne is doing much</p> <p>6 better, I'm now on the second sentence. I have</p> <p>7 met and will continue to meet with her team of</p> <p>8 staff members at Meadow View. This is you</p> <p>9 writing to Mr. Black.</p> <p>10 A. Sure.</p> <p>11 Q. Meadow View, was that the first</p> <p>12 hospital she went to?</p> <p>13 A. That's Secaucus.</p> <p>14 Q. That's Secaucus. But by July, to</p> <p>15 get the chronology right, she is now in</p> <p>16 Secaucus?</p> <p>17 A. Right.</p> <p>18 Q. Okay.</p> <p>19 A. He wanted me to put the Chase</p> <p>20 withdrawals in a spreadsheet form.</p> <p>21 Q. And he wanted to do that so he</p> <p>22 could keep track of what the costs were?</p> <p>23 A. Sure.</p> <p>24 Q. And then up above he responds to</p> <p>25 you, Esaun: Thanks for checking back with me.</p>	<p style="text-align: right;">Page 64</p> <p>1 Esaun Pinto</p> <p>2 know what he meant?</p> <p>3 A. Joanne was a sick person, make</p> <p>4 problems for herself, she's a sick person, she</p> <p>5 was sick.</p> <p>6 MR. FANTONE: Michael, I notice</p> <p>7 there's no control numbers on these.</p> <p>8 MR. SCHAALMAN: Yes, that's true.</p> <p>9 MR. FANTONE: Were these produced?</p> <p>10 MR. SCHAALMAN: I believe they</p> <p>11 were, yes, I believe they were. That's the</p> <p>12 best understanding I have.</p> <p>13 MR. FANTONE: Did your production</p> <p>14 include control numbers?</p> <p>15 MR. SCHAALMAN: Yes.</p> <p>16 MR. FANTONE: So do you know why</p> <p>17 there's no control numbers?</p> <p>18 MR. SCHAALMAN: I don't. When they</p> <p>19 were copied, the control numbers did not</p> <p>20 come forward.</p> <p>21 MR. FANTONE: Do you have any idea</p> <p>22 what the control numbers are on these</p> <p>23 exhibits?</p> <p>24 MR. SCHAALMAN: I don't, but after</p> <p>25 today we'll try to get you the control</p>
<p style="text-align: right;">Page 63</p> <p>1 Esaun Pinto</p> <p>2 We're both scrambling...I'm working on extending</p> <p>3 my financial guardianship, and turning it into a</p> <p>4 full guardianship, in Colorado.</p> <p>5 Then you wrote to Mr. Black the</p> <p>6 same day, I'm meeting with the staff this</p> <p>7 evening. I believe they are changing her meds</p> <p>8 to the ones that Cherie said worked in the past.</p> <p>9 I have the video from the day Joanne was picked</p> <p>10 up but having trouble downloading it from my</p> <p>11 tablet.</p> <p>12 You took a video of your meeting</p> <p>13 with Joanne in Colorado?</p> <p>14 A. Yes, but what he's talking about</p> <p>15 here I believe is the video from when Joanne was</p> <p>16 picked up in New Jersey.</p> <p>17 Q. So when she had her episode in</p> <p>18 traffic --</p> <p>19 A. Right.</p> <p>20 Q. -- and was brought to the hospital</p> <p>21 by an ambulance?</p> <p>22 A. Right.</p> <p>23 Q. Okay, thanks. And then Mr. Black</p> <p>24 writes back to you apparently the same day,</p> <p>25 Joanne does make problems for herself. Do you</p>	<p style="text-align: right;">Page 65</p> <p>1 Esaun Pinto</p> <p>2 numbers. And by control numbers, you mean</p> <p>3 the Bates numbers?</p> <p>4 MR. FANTONE: Yes.</p> <p>5 MR. SCHAALMAN: I just want to make</p> <p>6 sure we understand, it's the same thing.</p> <p>7 MR. FANTONE: I would just like to</p> <p>8 reserve the objection if any of these</p> <p>9 documents haven't been produced.</p> <p>10 MR. SCHAALMAN: Well, if they</p> <p>11 haven't been produced, then they're not</p> <p>12 responsive.</p> <p>13 MR. FANTONE: I'm making the</p> <p>14 record.</p> <p>15 MR. SCHAALMAN: Make your record.</p> <p>16 Q. Here's Exhibit 6, Mr. Pinto. This</p> <p>17 is an email from you dated August 6, 2013, and</p> <p>18 you refer to, this invoice is the projected</p> <p>19 expenses for the next two weeks. Is your</p> <p>20 recollection you would have attached the</p> <p>21 invoice?</p> <p>22 A. Yeah.</p> <p>23 Q. Did Mr. Black ask you to make</p> <p>24 projections, basically what are you going to do</p> <p>25 and what's it going to cost?</p>

<p style="text-align: right;">Page 66</p> <p>1 Esaun Pinto</p> <p>2 A. I don't know in regards to this</p> <p>3 conversation here, but Mr. Black did want to</p> <p>4 know what it looked like moving forward</p> <p>5 financially.</p> <p>6 Q. Did Mr. Black tell you the source</p> <p>7 of the moneys that he was paying you, where he</p> <p>8 got the moneys?</p> <p>9 A. The card, the Chase card said</p> <p>10 something to the effect of estate of Renata</p> <p>11 Black.</p> <p>12 MR. FANTONE: Can you read that</p> <p>13 back.</p> <p>14 (The record was read.)</p> <p>15 Q. Did you continue to use the card</p> <p>16 when you were getting paid through the invoices</p> <p>17 or did that stop?</p> <p>18 A. When I needed to, yeah.</p> <p>19 Q. So the card was sort of an</p> <p>20 emergency way of taking care of Joanne's needs</p> <p>21 when you were in between invoices?</p> <p>22 A. And taking care of Joanne's needs,</p> <p>23 if you mean also taking care of the expenses of</p> <p>24 the operation, yeah.</p> <p>25 Q. That's what I mean. When you were</p>	<p style="text-align: right;">Page 68</p> <p>1 Esaun Pinto</p> <p>2 sending him something related to a court,</p> <p>3 otherwise you wouldn't have written it.</p> <p>4 A. I guess so. I just don't know</p> <p>5 where I would have gotten court records from.</p> <p>6 Q. Here's Exhibit 7, Mr. Pinto.</p> <p>7 Exhibit 7 appears to be an email sent to Mr.</p> <p>8 Black with a copy to Ms. Wrigley, dated</p> <p>9 September 4, 2013. You wrote, We are still</p> <p>10 waiting for her transfer to a New York State</p> <p>11 facility.</p> <p>12 A. Right.</p> <p>13 Q. Is that the facility you mentioned</p> <p>14 on Staten Island?</p> <p>15 A. That ended up being the facility on</p> <p>16 Staten Island. It wasn't predetermined that</p> <p>17 that's where she was going to go.</p> <p>18 Q. You wrote, Hopefully she will end</p> <p>19 up in Kings County in Brooklyn.</p> <p>20 A. Right.</p> <p>21 Q. That's another state facility?</p> <p>22 A. Right.</p> <p>23 Q. Did Ms. Black ever end up in Kings</p> <p>24 County in Brooklyn?</p> <p>25 A. No. Well, at Kings County Hospital,</p>
<p style="text-align: right;">Page 67</p> <p>1 Esaun Pinto</p> <p>2 taking out money, you were assuming this was to</p> <p>3 pay for services that Joanne needed including</p> <p>4 pay you if necessary?</p> <p>5 A. Sure.</p> <p>6 Q. In your email to Mr. Black, you</p> <p>7 wrote, you should receive a package of Joanne's</p> <p>8 hospital and court records this week. I assume</p> <p>9 that was in response to a request Mr. Black had</p> <p>10 made?</p> <p>11 A. I assume so. I guess so, I don't</p> <p>12 really remember. That looks pretty odd to me</p> <p>13 because I don't remember anything about court</p> <p>14 records.</p> <p>15 Q. That's what I was going to ask you.</p> <p>16 A. I don't remember about that, I</p> <p>17 don't know.</p> <p>18 Q. So at this point in August of 2013,</p> <p>19 you don't recall that there was court</p> <p>20 intervention?</p> <p>21 A. I don't know what any of that was</p> <p>22 about, I don't know.</p> <p>23 Q. You just don't remember?</p> <p>24 A. No.</p> <p>25 Q. But it's likely that you were</p>	<p style="text-align: right;">Page 69</p> <p>1 Esaun Pinto</p> <p>2 no. She currently lives in Kings County in</p> <p>3 Brooklyn.</p> <p>4 Q. I mean the hospital.</p> <p>5 A. No.</p> <p>6 Q. And you're referring to a hospital</p> <p>7 there when you say Kings County?</p> <p>8 A. Yes.</p> <p>9 Q. You're not referring to a residence</p> <p>10 in Kings County?</p> <p>11 A. No. Am I allowed to speak as to</p> <p>12 the nature of these conversations?</p> <p>13 Q. Sure.</p> <p>14 MR. FANTONE: Hold on.</p> <p>15 A. No, forget about it.</p> <p>16 MR. FANTONE: We can take a second</p> <p>17 if you want.</p> <p>18 THE WITNESS: No, no, that's fine,</p> <p>19 let's keep going.</p> <p>20 Q. You whet my appetite, Mr. Pinto.</p> <p>21 MR. FANTONE: Let's take a break</p> <p>22 for two seconds. I don't understand your</p> <p>23 question.</p> <p>24 (The witness and counsel left the</p> <p>25 room and returned.)</p>

<p style="text-align: right;">Page 70</p> <p>1 Esaun Pinto</p> <p>2 Q. Here is Exhibit Number 9. Again,</p> <p>3 I'm taking them out of order, and some of them I</p> <p>4 won't use but I'm sure you won't be</p> <p>5 disappointed.</p> <p>6 Before we broke, Mr. Pinto, you</p> <p>7 mentioned that there were some conversations you</p> <p>8 had where you were going to, or could you</p> <p>9 testify about conversations. Obviously I want</p> <p>10 to know whatever you know and are able to tell</p> <p>11 me. So what conversations were you talking</p> <p>12 about just before we broke?</p> <p>13 A. Oh, my attorneys said we may bring</p> <p>14 that up later on. It's not pertinent now.</p> <p>15 MR. FANTONE: Are you talking about</p> <p>16 with respect to 7?</p> <p>17 MR. SCHAALMAN: I'm talking about,</p> <p>18 I wasn't sure what the witness was</p> <p>19 referring to, and I'm just giving the</p> <p>20 witness an opportunity to explain to me</p> <p>21 what he was referring to, what</p> <p>22 conversations.</p> <p>23 A. All I was referring to, reading</p> <p>24 over some of these emails, it's starting to</p> <p>25 bring back the memories of the time and the</p>	<p style="text-align: right;">Page 72</p> <p>1 Esaun Pinto</p> <p>2 allow Ms. Wrigley to provide the support that I</p> <p>3 might have needed at the time. Joanne wasn't</p> <p>4 there yet. So again, this became a lot. This</p> <p>5 was a lot, a heavy weight on not only myself but</p> <p>6 my family.</p> <p>7 Q. Would Joanne allow Mr. Bernard</p> <p>8 Black to provide that?</p> <p>9 A. He wasn't interested.</p> <p>10 Q. He wasn't interested?</p> <p>11 A. No.</p> <p>12 Q. Let's look at Exhibit 9, what I</p> <p>13 just gave you. So at the bottom of Exhibit 9 it</p> <p>14 looks like you wrote Mr. Black an email. Hi Mr.</p> <p>15 Black, as of Wednesday evening we have not</p> <p>16 received either check to cover our outstanding</p> <p>17 invoices. I would like to have those invoices</p> <p>18 and all future invoices paid via wire transfer.</p> <p>19 And then Mr. Black wrote to you on</p> <p>20 the same day, correct, on September 26, 2013?</p> <p>21 A. Is that a question?</p> <p>22 Q. Yes, that was a question.</p> <p>23 A. Yes.</p> <p>24 Q. And he copied Ms. Wrigley, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 71</p> <p>1 Esaun Pinto</p> <p>2 feelings of the time. So when you were going</p> <p>3 over it, I started to laugh and smile because</p> <p>4 certain things start to play back in my head.</p> <p>5 Q. Was there something from Exhibit 7</p> <p>6 that --</p> <p>7 A. It's all of them, it's all of the</p> <p>8 emails.</p> <p>9 Q. What does it bring back? My job is</p> <p>10 to find out what you remember.</p> <p>11 A. It's bringing back some of the</p> <p>12 emotions that were going on with me.</p> <p>13 Q. What was going on?</p> <p>14 A. I was pissed off.</p> <p>15 Q. With who?</p> <p>16 A. With everybody.</p> <p>17 Q. Why?</p> <p>18 A. I was alone, it was just me and</p> <p>19 Joanne again.</p> <p>20 Q. You didn't feel you were getting</p> <p>21 enough support from Mr. Black and Ms. Wrigley?</p> <p>22 A. Ms. Wrigley was more supportive,</p> <p>23 and she was doing what she could under the</p> <p>24 circumstances, I believe. But it was just a</p> <p>25 lot, it was a lot, and frankly Joanne wouldn't</p>	<p style="text-align: right;">Page 73</p> <p>1 Esaun Pinto</p> <p>2 Q. He wrote Esaun, I cannot send a</p> <p>3 wire today. I personally sent both letters, and</p> <p>4 the second time I directly deposited in a post</p> <p>5 office box. Maybe the address on your Excel</p> <p>6 street is wrong? For a wire transfer, I can do</p> <p>7 this in the future.</p> <p>8 Did Mr. Black start wiring moneys</p> <p>9 into your account as you had requested?</p> <p>10 A. There were at least a few wires,</p> <p>11 yeah.</p> <p>12 Q. Were you being paid by wire or by</p> <p>13 check then?</p> <p>14 A. I don't remember exactly what we</p> <p>15 were doing at this point, but there was</p> <p>16 difficulty getting the invoices paid, so I was</p> <p>17 trying to figure out an easier way to get it</p> <p>18 done, and the wire just seemed to be a simpler</p> <p>19 way.</p> <p>20 Q. Here's Exhibit 10. So Exhibit 10</p> <p>21 appears to be a message from you, Mr. Pinto, to</p> <p>22 Mr. Black with a copy to Ms. Wrigley and the</p> <p>23 date is November 14, 2013.</p> <p>24 In the second paragraph you wrote,</p> <p>25 Joanne is well and she is scheduled to be</p>

19 (Pages 70 - 73)

<p style="text-align: right;">Page 74</p> <p>1 Esaun Pinto</p> <p>2 transferred to South Shore Hospital of Staten</p> <p>3 Island on Monday, November 18th. So does that</p> <p>4 sort of fill in the timeline that she went from</p> <p>5 Meadow View to Staten Island?</p> <p>6 A. I guess so, yeah.</p> <p>7 Q. You wrote at the end, I also have</p> <p>8 an additional package of records from Meadow</p> <p>9 View that I will send out in the next couple of</p> <p>10 days. Were those her medical records?</p> <p>11 A. I guess it was anything I was</p> <p>12 picking up from Meadow View, I guess so.</p> <p>13 MR. SCHAALMAN: Would you mark this</p> <p>14 as 20, please.</p> <p>15 (9/11/14 email was hereby marked as</p> <p>16 Pinto Exhibit 20 for identification, as of</p> <p>17 this date.)</p> <p>18 MR. KATZ: This is 20?</p> <p>19 MR. SCHAALMAN: It is.</p> <p>20 Q. On the first page of Exhibit 20 is</p> <p>21 an email from Mr. Black to Ms. Wrigley, and you</p> <p>22 seem to be copied on it, do you see that, your</p> <p>23 email address?</p> <p>24 A. Yes.</p> <p>25 Q. Would I be correct to say that you</p>	<p style="text-align: right;">Page 76</p> <p>1 Esaun Pinto</p> <p>2 A. Sure.</p> <p>3 Q. What do you remember about that</p> <p>4 conversation you might have had with him in</p> <p>5 which you learned that?</p> <p>6 A. Mr. Black was interested in seeing</p> <p>7 Joanne because Cherie saw Joanne first.</p> <p>8 Q. Okay. How do you know that, did he</p> <p>9 tell you?</p> <p>10 A. How do I know what?</p> <p>11 Q. Did he tell you he was interested</p> <p>12 in seeing Joanne because Cherie saw her?</p> <p>13 A. No, I just know he wasn't</p> <p>14 interested prior to that.</p> <p>15 Q. So you sort of concluded that the</p> <p>16 reason he wanted to see her was because Cherie</p> <p>17 saw her?</p> <p>18 A. Right.</p> <p>19 Q. Were you present when Cherie saw</p> <p>20 Joanne?</p> <p>21 A. Sure.</p> <p>22 Q. What year was that in?</p> <p>23 A. That was in '14.</p> <p>24 Q. And was Joanne out of the hospital</p> <p>25 by that time?</p>
<p style="text-align: right;">Page 75</p> <p>1 Esaun Pinto</p> <p>2 don't have any specific recollection of any of</p> <p>3 these emails today?</p> <p>4 MR. KATZ: Object to the form.</p> <p>5 A. No.</p> <p>6 Q. I'm going to point you to the email</p> <p>7 from Bernard Black to Cherie Wrigley with a copy</p> <p>8 to Anthony Dain, Dorothy Dain and Esaun Pinto.</p> <p>9 A. Okay.</p> <p>10 Q. This is dated September 11, 2014.</p> <p>11 We've now sort of moved ahead a year. Do you</p> <p>12 remember having any contact with Anthony Dain?</p> <p>13 A. Yeah.</p> <p>14 Q. When do you recall that contact</p> <p>15 started?</p> <p>16 A. Oh, I don't know, I don't remember</p> <p>17 exactly.</p> <p>18 Q. Would it have been, can you give me</p> <p>19 a year, either 2013 or 2014?</p> <p>20 A. I'm not sure. I'm not sure.</p> <p>21 Q. So Mr. Black wrote to you, I will</p> <p>22 break up my thoughts into several messages.</p> <p>23 This one is directed to my visit, and Joanne's</p> <p>24 desire to see Tony. Do you remember Mr. Black</p> <p>25 expressing an interest in seeing his sister?</p>	<p style="text-align: right;">Page 77</p> <p>1 Esaun Pinto</p> <p>2 A. Joanne was still in the hospital.</p> <p>3 Q. Was she still in Staten Island?</p> <p>4 A. She was in Staten Island.</p> <p>5 Q. Tell me what you remember about the</p> <p>6 visit of Cherie Wrigley with Joanne?</p> <p>7 A. Cherie wanted to visit Joanne for</p> <p>8 quite awhile. Joanne wasn't ready to see</p> <p>9 Cherie. So me and Cherie talked about it for a</p> <p>10 few months, and eventually I thought the best</p> <p>11 thing for her to do was to send Joanne like a</p> <p>12 peace offering, for Cherie to take the first</p> <p>13 step in bonding and repairing this relationship,</p> <p>14 so Cherie did that. And she sent Joanne, I</p> <p>15 believe it was two rings that belonged to</p> <p>16 Joanne's mom.</p> <p>17 Q. Do you know how Cherie had those</p> <p>18 rings?</p> <p>19 A. I don't know. From what I</p> <p>20 understand, she got a number of things that</p> <p>21 belonged to Joanne and Joanne's mom. So she</p> <p>22 sent the rings, and, you know, I told Joanne</p> <p>23 that Cherie was going to offer this peace</p> <p>24 offering.</p> <p>25 Joanne didn't really have an idea</p>

<p style="text-align: right;">Page 78</p> <p>1 Esaun Pinto</p> <p>2 exactly what she wanted, but she knew that she</p> <p>3 wanted a piece of her mother's jewelry.</p> <p>4 So Cherie sends the two rings, I</p> <p>5 present Joanne with the rings. Joanne</p> <p>6 immediately got very emotional, accepted it as a</p> <p>7 peace offering and allowed Cherie to start</p> <p>8 communicating with her and eventually visit her.</p> <p>9 Q. And how was Cherie communicating</p> <p>10 with Joanne?</p> <p>11 A. First through me.</p> <p>12 Q. Okay, she was sending messages and</p> <p>13 you were relaying those messages?</p> <p>14 A. Sure.</p> <p>15 Q. Ultimately, did Cherie start</p> <p>16 calling?</p> <p>17 A. I can't remember if Joanne was</p> <p>18 calling Cherie or how that went, but it went</p> <p>19 from bad to better once Cherie sent the peace</p> <p>20 offering.</p> <p>21 Q. Before the rings were sent to you</p> <p>22 by Ms. Wrigley, had Joanne ever told you that</p> <p>23 she was interested in finding out where this</p> <p>24 jewelry was?</p> <p>25 A. She might have. I don't remember,</p>	<p style="text-align: right;">Page 80</p> <p>1 Esaun Pinto</p> <p>2 Q. Yes.</p> <p>3 A. No, it was suggested, but it wasn't</p> <p>4 by me.</p> <p>5 Q. Who suggested it?</p> <p>6 A. There was a conversation between</p> <p>7 the family.</p> <p>8 Q. Were you a part of that</p> <p>9 conversation?</p> <p>10 A. I was a part of the conversation in</p> <p>11 terms of what Joanne wanted and how bad she</p> <p>12 wanted certain items, sure.</p> <p>13 Q. Do you recall which items she</p> <p>14 wanted more?</p> <p>15 A. She wanted her mother's Matrix,</p> <p>16 which I believe was a small SUV. She wanted,</p> <p>17 there were some fur coats she wanted, there was</p> <p>18 some jewelry she wanted, yeah.</p> <p>19 Q. Did she express those desires for</p> <p>20 those objects while she was in the hospital?</p> <p>21 A. Sure.</p> <p>22 Q. Could she have had any of those</p> <p>23 objects while she was in the hospital?</p> <p>24 A. It depends on what you mean by had.</p> <p>25 Q. Could you park the Matrix in front</p>
<p style="text-align: right;">Page 79</p> <p>1 Esaun Pinto</p> <p>2 I don't know.</p> <p>3 Q. Had that become an issue that the</p> <p>4 two of you had discussed?</p> <p>5 A. No, it was never an issue, not with</p> <p>6 Cherie, not with Cherie being in possession of</p> <p>7 Joanne's belongings. The issue was with Bernard</p> <p>8 being in possession of Joanne's belongings.</p> <p>9 Q. And what do you recall, what</p> <p>10 belongings did Joanne believe that Bernard had?</p> <p>11 A. Everything, car, clothes, jewelry,</p> <p>12 money, everything. Her car, her mom's car,</p> <p>13 property that she believed belonged to her now,</p> <p>14 clothing, fur coats, everything.</p> <p>15 Q. Did you ever find out where that</p> <p>16 property that Joanne was describing was?</p> <p>17 A. Yeah, I talked about it with</p> <p>18 Bernard and Cherie.</p> <p>19 Q. What did Bernard tell you where all</p> <p>20 that clothing and cars and property was?</p> <p>21 A. He was in possession of a lot of</p> <p>22 that stuff.</p> <p>23 Q. Did you suggest to Bernard that he</p> <p>24 give it back to Joanne?</p> <p>25 A. Did I suggest it?</p>	<p style="text-align: right;">Page 81</p> <p>1 Esaun Pinto</p> <p>2 of the hospital?</p> <p>3 A. It wasn't about that, it wasn't</p> <p>4 about that.</p> <p>5 Q. Explain that to me, I don't</p> <p>6 understand that.</p> <p>7 A. The problem was it was in her</p> <p>8 brother's possession and not in hers. So had</p> <p>9 that stuff come from her brother's possession</p> <p>10 into a storage unit closer to Joanne, that would</p> <p>11 have satisfied Joanne.</p> <p>12 Q. Including the car?</p> <p>13 A. Whatever it was.</p> <p>14 Q. Let's go back to Exhibit 20, the</p> <p>15 one in front of you.</p> <p>16 A. Yeah.</p> <p>17 Q. Bernard wrote -- Cherie wrote:</p> <p>18 Another item is that Joanne wants Tony to be at</p> <p>19 the visit and wants all of you to meet with</p> <p>20 Esaun.</p> <p>21 Did Joanne express an interest in</p> <p>22 having Tony visit her?</p> <p>23 A. Sure.</p> <p>24 Q. Was that before Cherie went to see</p> <p>25 her?</p>

<p style="text-align: right;">Page 82</p> <p>1 Esaun Pinto</p> <p>2 A. Sure.</p> <p>3 Q. And my reaction, I believe, if I'm</p> <p>4 reading this correctly is from Bernard, am I</p> <p>5 right, the part that puts my reaction?</p> <p>6 A. I don't know.</p> <p>7 MR. KATZ: Objection.</p> <p>8 MR. SCHAALMAN: Okay, let's take a</p> <p>9 break. It's now basically 12:20, so let's</p> <p>10 get back together if we can at ten to one.</p> <p>11 Hearing no objection, which is shocking for</p> <p>12 this crew, thank you.</p> <p>13 (Whereupon at 12:18 p.m. a luncheon</p> <p>14 recess was taken.)</p> <p>15 AFTERNOON SESSION</p> <p>16 (Time noted: 1:03 p.m.)</p> <p>17 MR. SCHAALMAN: Alice, would you</p> <p>18 read the last question and answer, please.</p> <p>19 (The record was read.)</p> <p>20 Q. Good afternoon, Mr. Pinto. Thank</p> <p>21 you for being so prompt and returning on time, I</p> <p>22 appreciate it.</p> <p>23 A. No problem.</p> <p>24 Q. That would mean you get out of here</p> <p>25 a little earlier.</p>	<p style="text-align: right;">Page 84</p> <p>1 Esaun Pinto</p> <p>2 retain a lawyer at any time?</p> <p>3 A. No, but I have lawyers I work with</p> <p>4 every day.</p> <p>5 Q. Sure, I'm sure you do. But I'm</p> <p>6 talking about on behalf of Joanne.</p> <p>7 A. No.</p> <p>8 Q. Did you consult any lawyers about</p> <p>9 whether you were appropriately caring for</p> <p>10 Joanne?</p> <p>11 A. No.</p> <p>12 Q. Or whether Joanne needed to have</p> <p>13 legal counsel herself?</p> <p>14 A. No.</p> <p>15 Q. Here's Exhibit 11. So I think</p> <p>16 we've reviewed the bottom email on Exhibit 11</p> <p>17 already. This is an email from you to Mr. Black</p> <p>18 on November 14, 2013.</p> <p>19 You refer in your email which is on</p> <p>20 Page 2 of Exhibit 11, I am sending you the</p> <p>21 invoices from the beginning of September through</p> <p>22 December 1st. Do you recall whether those are</p> <p>23 invoices going forward or are they past invoices</p> <p>24 that weren't paid?</p> <p>25 A. So if I sent this, if I sent this</p>
<p style="text-align: right;">Page 83</p> <p>1 Esaun Pinto</p> <p>2 A. That would be nice.</p> <p>3 Q. I'm going to try to give you a time</p> <p>4 frame and maybe see if you can have some</p> <p>5 recollection if I do that.</p> <p>6 Back in 2013 and 2014, so let's say</p> <p>7 after you collected Joanne from Colorado,</p> <p>8 brought her back to New York and she was being</p> <p>9 hospitalized and you were involved as you were</p> <p>10 involved, were you ever represented by counsel</p> <p>11 during that time?</p> <p>12 A. No.</p> <p>13 Q. Did you know that Mr. Dain was a</p> <p>14 lawyer?</p> <p>15 A. Yes.</p> <p>16 Q. Did Mr. Dain ever represent you?</p> <p>17 A. No.</p> <p>18 Q. Did you know that Mr. Black was a</p> <p>19 lawyer, Bernard Black was a lawyer?</p> <p>20 A. Yes.</p> <p>21 Q. Did he ever represent you?</p> <p>22 A. No.</p> <p>23 Q. Did you have any representation,</p> <p>24 legal representation about your care for Joanne,</p> <p>25 let's take it all the way through 2015, did you</p>	<p style="text-align: right;">Page 85</p> <p>1 Esaun Pinto</p> <p>2 email in November of '13 and it's saying that</p> <p>3 I'm sending the invoices from September and</p> <p>4 October, then I don't remember exactly, but I'm</p> <p>5 assuming that there was a problem somewhere.</p> <p>6 Q. You were getting paid slowly?</p> <p>7 A. I'm assuming that that's what</p> <p>8 happened at this point. I don't really</p> <p>9 remember.</p> <p>10 Q. Okay. Mr. Black responded to you</p> <p>11 where he copied Ms. Wrigley, on November 17,</p> <p>12 2013, Esaun: I will mail you a check for</p> <p>13 \$5,213, representing full payment through the</p> <p>14 week of November 18.</p> <p>15 Does that refresh your recollection</p> <p>16 that at least at that time he made you whole?</p> <p>17 A. I don't remember, I don't know. I</p> <p>18 mean, I don't know.</p> <p>19 Q. He wrote that Cherie and I think</p> <p>20 once Joanne is moved, your visits can be cut</p> <p>21 back in frequency, initially to twice per week.</p> <p>22 Did you agree with that?</p> <p>23 A. They're in no position to make that</p> <p>24 demand.</p> <p>25 Q. So you didn't agree?</p>

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1 Esaun Pinto

2 A. No, because Joanne dictated how

3 much she needed to see me, not Cherie or

4 Bernard. I was caring for Joanne, not for

5 Cherie and Bernard. So what he's saying is that

6 the frequency should be cut down to twice a week

7 for financial reasons. But this wasn't a

8 financial situation. This was caring for

9 Joanne.

10 So if I needed to see Joanne five

11 times this week, I'm not going to see Joanne

12 twice because it satisfies his invoice.

13 Q. And did you tell him that?

14 A. Sure.

15 Q. Would that have been a conversation

16 you had over the phone or would that have been

17 through emails?

18 A. I've made that clear every step of

19 the way. This is not about Bernard, it's about

20 Joanne.

21 Q. Here's Exhibit 12. Mr. Pinto,

22 Exhibit 12 appears to be an email from Mr. Black

23 to you and Ms. Wrigley, dated November 19, 2013,

24 and the subject is Joanne's SSDI checks. Are

25 those her Social Security Disability checks that

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1 Esaun Pinto

2 he's referring to?

3 A. Yes.

4 Q. And Mr. Black writes: Esaun or

5 Cherie: What do you know about where these are

6 going. I'm not sure I have your response to

7 that in an email, but do you recall anything

8 about these SSDI checks?

9 A. Sure.

10 Q. Where were they going at that time?

11 A. At this time, I'm not quite sure.

12 Q. Where were they going when you were

13 sure?

14 A. At one time they were going to the

15 Wells Fargo account. At one time they were

16 going to a rent payee account at Citibank that

17 was set up by myself and Joanne. At one time

18 they were going to the hospital, and I believe

19 at one time they were going to Bernard.

20 Q. So as of this time you don't

21 recall?

22 A. No, I don't remember the dates and

23 the order in which all that took place.

24 Q. He also wrote, When she gets out of

25 hospital, I think it would not be a good idea

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1 Esaun Pinto

2 for her to have what might be by then ten to

3 \$15,000 sitting in a bank account.

4 Did you discuss that with Mr.

5 Black, why he didn't think that she should have

6 that kind of money in a bank account?

7 A. I don't believe so.

8 Q. Did you agree with him that she

9 shouldn't have?

10 A. It was not my position to agree

11 with that.

12 MR. SCHAAALMAN: Could you mark

13 these next, please.

14 (Three email chains were hereby

15 marked as Pinto Exhibits 21, 22 and 23 for

16 identification, as of this date.)

17 Q. Mr. Pinto, here is Exhibit 21.

18 MR. KATZ: 21?

19 MR. SCHAAALMAN: Yes.

20 Q. This is an email sent to you from

21 Bernard Black dated September 18, 2014. Do you

22 recall this email?

23 A. Sure.

24 Q. Why do you recall it?

25 A. Because I was extremely upset.

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1 Esaun Pinto

2 Q. Why were you upset?

3 A. The meeting with Joanne did not go

4 well.

5 Q. The meeting with Joanne and Bernard

6 did not go well?

7 A. Right.

8 Q. What happened?

9 A. Bernard was completely not in touch

10 with Joanne's condition, nor did he care.

11 Joanne came in like a raging, I mean Bernard

12 came in like a ranging bull, he wasn't

13 sympathetic or empathetic about anything in

14 regards to Joanne's condition.

15 He didn't care if the visit was

16 going to help Joanne or hurt Joanne. He

17 belittled Joanne. He was asked to leave by the

18 staff of the hospital, social workers, doctors,

19 eventually security, and then Bernard was

20 eventually asked and escorted to leave the

21 hospital.

22 Q. How did he belittle Joanne, if you

23 recall, what did he say?

24 A. I don't remember the exact words,

25 but it wasn't nice, and it was very pessimistic.

<p style="text-align: right;">Page 90</p> <p>1 Esaun Pinto</p> <p>2 It was this is where you're going to be, this is</p> <p>3 how you're going to be, you're never going to</p> <p>4 get better. It was that kind of jargon that was</p> <p>5 used in the meeting, as well as a lot of history</p> <p>6 being brought up by Bernard that wasn't</p> <p>7 necessary or even pertinent in the moment.</p> <p>8 Q. What kind of history?</p> <p>9 A. History of Joanne's psychotic, or</p> <p>10 her psychosis or her history of hospitalizations</p> <p>11 and delusions and things of that nature.</p> <p>12 Q. Did you have a sense -- I'm going</p> <p>13 to take you back a little bit in time now when</p> <p>14 you first started meeting with Joanne back in</p> <p>15 1998 and 1997, '98 and '99.</p> <p>16 A. '99.</p> <p>17 Q. Thank you. Did you have a sense</p> <p>18 when you first started meeting with her that she</p> <p>19 had had mental issues --</p> <p>20 A. Sure.</p> <p>21 Q. -- or mental problems for many</p> <p>22 years before she started talking to you?</p> <p>23 A. Sure.</p> <p>24 Q. Did you in any of your</p> <p>25 conversations with Joanne ever get a sense of</p>	<p style="text-align: right;">Page 92</p> <p>1 Esaun Pinto</p> <p>2 saying, or he was going to cut me off. And I</p> <p>3 told him do what you got to do.</p> <p>4 Q. Now, the date of the email is</p> <p>5 September 18, 2014?</p> <p>6 A. Sure.</p> <p>7 Q. Does that refresh your recollection</p> <p>8 of when this meeting with Joanne and you and</p> <p>9 Bernard took place?</p> <p>10 A. It was right around that time.</p> <p>11 Q. Right around the same time. So he</p> <p>12 writes to you, Esaun: My pleasure to finally</p> <p>13 meet you. I do greatly appreciate your efforts</p> <p>14 with Joanne. I thought that the visit today was</p> <p>15 necessary, even if stressful for Joanne. If she</p> <p>16 is going to be in the wider world, she will have</p> <p>17 to deal with this and more.</p> <p>18 His reference to stressful for</p> <p>19 Joanne, does that reflect what you already</p> <p>20 discussed about his meeting with her?</p> <p>21 A. That's a very mild way of saying it</p> <p>22 about something that's going to be presented at</p> <p>23 a later date, yeah. He wouldn't use stressful</p> <p>24 at hospital, he would use another set of words.</p> <p>25 Q. What words would he use?</p>
<p style="text-align: right;">Page 91</p> <p>1 Esaun Pinto</p> <p>2 how long she had had mental problems?</p> <p>3 A. She told me.</p> <p>4 Q. What did she tell you?</p> <p>5 A. She told me that she suffered from</p> <p>6 mental illness since her teenage years.</p> <p>7 Q. So let's go back. Is there</p> <p>8 anything else you can remember about the meeting</p> <p>9 with Bernard and Joanne in 2014 that you haven't</p> <p>10 told me already?</p> <p>11 A. Other than, I mean, you're going to</p> <p>12 get to it in this email.</p> <p>13 Q. I'm going to ask some questions</p> <p>14 about the email.</p> <p>15 A. Sure there were things. It was his</p> <p>16 demand for information about her care, her</p> <p>17 doctors, telephone numbers, email addresses,</p> <p>18 things that he wanted from and for Joanne that</p> <p>19 Joanne didn't want him to have, neither did the</p> <p>20 doctors or the social workers.</p> <p>21 So he made a demand of me at the</p> <p>22 end of this meeting with Joanne, he made a</p> <p>23 demand, and his demand was I'm going to provide</p> <p>24 this information to him regardless of how Joanne</p> <p>25 feels or what the doctors and hospital staff was</p>	<p style="text-align: right;">Page 93</p> <p>1 Esaun Pinto</p> <p>2 A. I don't remember, but it definitely</p> <p>3 wasn't that mild.</p> <p>4 Q. He wrote: I came hoping just to be</p> <p>5 nice, and even show pictures of my younger</p> <p>6 children, to which she was very nice. Did he</p> <p>7 show pictures at the meeting?</p> <p>8 A. I think so.</p> <p>9 Q. And he wrote: For about two years,</p> <p>10 my son Jacob's favorite teddy bear, whom he</p> <p>11 slept with every night, was a gift from Joanne,</p> <p>12 whom we called Anna as a variant of Joanne.</p> <p>13 Was that part of his conversation</p> <p>14 with Joanne about his childhood?</p> <p>15 A. It might have been.</p> <p>16 Q. He wrote, we have good memories of</p> <p>17 her efforts to be nice to our kids during 2005</p> <p>18 to 2010, and I very much hope we can get back</p> <p>19 there.</p> <p>20 A. This is comical.</p> <p>21 Q. Why is it comical?</p> <p>22 A. Because Bernard is a smart man,</p> <p>23 he's a smart man. He's writing an email after</p> <p>24 his visit to the hospital that's painting a</p> <p>25 picture of a wonderland.</p>

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1 Esaun Pinto
2 This was far from wonderland. This
3 was horrific, the meeting was horrific. All
4 this nonsense about teddy bears and
5 relationships, it's comical.
6 None of this happened in the way
7 that he's describing it. You've got to
8 understand, this man was escorted out of the
9 hospital by security. There wasn't talks about
10 teddy bears and great memories, it's laughable.
11 Q. He then wrote: My near-to-medium
12 term goal for Joanne is for her to have as much
13 independence as she can handle without crashing
14 again.
15 Did you agree with that, that she
16 should have as much independence as possible?
17 A. Sure, as much as she can handle.
18 Q. He writes, including her own
19 spending money. Did you discuss spending money
20 with Mr. Black at this meeting?
21 A. Again, this is laughable, this is
22 laughable. When I tell you that reading through
23 these emails now is bringing back feelings of
24 yesterday. None of that visit didn't go this
25 way, none of this happened in this manner.

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1 Esaun Pinto
2 Bernard is lucky he didn't get
3 arrested, that's how bad the visit was, and I'm
4 not saying that from speculation. I'm saying
5 that because I helped prevent him from getting
6 arrested. So all of this talk about her having
7 X, that's nonsense.
8 Q. And he wrote further, and her own
9 place to live, although I believe that for some
10 time to come, that place to live should be less
11 overwhelming than a house which requires
12 maintenance and upkeep.
13 A. That place to live would have been
14 another institution, because that's what he
15 wanted.
16 Q. He wrote further: I have seen how
17 Joanne has lived, in a place of her own, more
18 than once, when it was my job to clean up after
19 she left. This was not pretty, and surely not
20 good for her health.
21 Had he discussed with you the times
22 that he had gone and cleaned up apartments where
23 Joanne had lived?
24 A. I would have loved for him to talk
25 to me about that because I don't even believe it

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1 Esaun Pinto
2 happened.
3 Q. Why didn't you believe it happened?
4 A. Because I've been communicating
5 with Joanne for 14 years. She had no
6 relationship with her brother.
7 Q. I think you testified earlier, and
8 you certainly should correct me if I'm wrong,
9 while she was outside of New York, you didn't
10 speak to her on the phone, you just got
11 messages?
12 A. That was for two years out of the
13 13, 14 years.
14 Q. So you don't know if Mr. Black was
15 visiting her when she was out of New York or
16 not?
17 A. Are you kidding me? What I can
18 tell you, she visited Illinois in the middle of
19 winter, and she called her brother for help and
20 he did not respond, I can tell you that.
21 Q. Did she tell you that?
22 A. She told me that.
23 Q. When did she tell you that?
24 A. Joanne mentioned that to me when I
25 visited her in Colorado when she started telling

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1 Esaun Pinto
2 me the story of the last couple of years. It
3 was that conversation was then brought up again
4 with Cherie, and it continues to be brought up
5 whenever she speaks about her disgust for her
6 brother.
7 Q. When did Cherie tell you that?
8 A. Somewhere along the way. I don't
9 remember exactly, but it was very early on.
10 Q. By very early on, you mean for
11 example before Bernard came to see Joanne in New
12 York?
13 A. It might have been between the two
14 visits, I don't remember exactly.
15 THE WITNESS: Can I --
16 MR. FANTONE: You want to say
17 something, do you want to take a break?
18 THE WITNESS: No, I'm good.
19 MR. MANCILLA: If you need water or
20 anything, let me know.
21 Q. In the next paragraph he wrote: My
22 long-term financial goal is to give Joanne what
23 spending money is available today, while
24 remaining very confident that come what may, she
25 will be able to live in comfort for the rest of

<p style="text-align: right;">Page 98</p> <p>1 Esaun Pinto</p> <p>2 her life, including a long stay in a nursing</p> <p>3 home, which I judge to be likely in the future,</p> <p>4 although I hope not soon.</p> <p>5 Did you talk to Mr. Black about the</p> <p>6 fact that Joanne might need someday to live in a</p> <p>7 nursing home?</p> <p>8 A. No, that wasn't my position. He</p> <p>9 mentioned it to me, but did I entertain that</p> <p>10 kind of conversation, no. I knew what his</p> <p>11 position was in terms of Joanne from the first</p> <p>12 time I spoke to him.</p> <p>13 Q. From the first time you had a</p> <p>14 telephone conversation with him?</p> <p>15 A. Sure.</p> <p>16 Q. And what did you know?</p> <p>17 A. I knew that he had no faith in</p> <p>18 Joanne getting better, he had no faith in Joanne</p> <p>19 ever living on her own and being independent,</p> <p>20 and that he needed to plan for long-term</p> <p>21 hospitalization or assisted living for Joanne.</p> <p>22 Q. Did you think that he had no basis</p> <p>23 for that belief?</p> <p>24 A. I just thought it was a horrible</p> <p>25 way to think about your sister.</p>	<p style="text-align: right;">Page 100</p> <p>1 Esaun Pinto</p> <p>2 Q. Wait a minute, I've got to finish</p> <p>3 the question. I know you're anxious to answer</p> <p>4 which is great. What did you mean by line in</p> <p>5 the sand? I'm not sure I understood that.</p> <p>6 A. It was the divide between the</p> <p>7 people who cared about Joanne's wellbeing, the</p> <p>8 people who didn't.</p> <p>9 Q. And who was on each side of the</p> <p>10 line?</p> <p>11 A. Oh, Bernard sat on an island by</p> <p>12 himself. Cherie, Mr. Dain and myself sat on the</p> <p>13 other side. Eventually Lois and the social</p> <p>14 workers of course and the doctors and things of</p> <p>15 that nature.</p> <p>16 But you've got to understand, I've</p> <p>17 now been in Joanne's life post the two years</p> <p>18 that I didn't speak to her for a year and a</p> <p>19 half. Big brother could have flew into New York</p> <p>20 any time he wanted to, big brother could have</p> <p>21 flew to Colorado any time he wanted to.</p> <p>22 Big brother could have played the</p> <p>23 role that he's now trying to define in this</p> <p>24 email, nobody stopped him from doing that,</p> <p>25 except for Joanne. Joanne didn't want to see</p>
<p style="text-align: right;">Page 99</p> <p>1 Esaun Pinto</p> <p>2 Q. He wrote further, I thought it was</p> <p>3 worth following up with a list of details. And</p> <p>4 he writes number one, I can be available to meet</p> <p>5 with Cherie on Saturday afternoon, my conference</p> <p>6 is at NYU and ends at 1:15.</p> <p>7 Do you know what meeting with</p> <p>8 Cherie he's referring to?</p> <p>9 A. Sure.</p> <p>10 Q. Tell me, please.</p> <p>11 A. Again, this is after the horrible</p> <p>12 meeting with Joanne. So Bernard is trying to</p> <p>13 mend fences now. You've got to understand,</p> <p>14 prior to these two visits, the two visits I'm</p> <p>15 referring to is the visit with Cherie and the</p> <p>16 visit with Bernard. I had no relationship with</p> <p>17 either one of them. They might as well have</p> <p>18 been one person, it didn't make a difference to</p> <p>19 me.</p> <p>20 This email and that visit draws the</p> <p>21 line in the sand. What you're reading right now</p> <p>22 is the line being drawn in the sand and the</p> <p>23 relationships being defined.</p> <p>24 Q. What do you mean, Mr. Pinto --</p> <p>25 A. I think --</p>	<p style="text-align: right;">Page 101</p> <p>1 Esaun Pinto</p> <p>2 him, still doesn't want to see him, was afraid</p> <p>3 of him them, is afraid of him now.</p> <p>4 Big brother is trying to define, is</p> <p>5 trying to document through this email, but</p> <p>6 that's not who he is.</p> <p>7 But my in person, my first</p> <p>8 in-person interaction with Bernard was the visit</p> <p>9 to the hospital, and that was a defining moment</p> <p>10 for him.</p> <p>11 Q. I just want to clarify if I can.</p> <p>12 Before Mr. Black arrived in September of 2014,</p> <p>13 did Joanne want to see him?</p> <p>14 A. No.</p> <p>15 Q. Did she want to see him in</p> <p>16 September when he did come in September 2014?</p> <p>17 A. No.</p> <p>18 Q. Did you encourage him to come or to</p> <p>19 stay away?</p> <p>20 A. I encouraged her to allow him to</p> <p>21 visit.</p> <p>22 Q. And did she want him to come?</p> <p>23 A. She still didn't want him to come.</p> <p>24 Q. Did you tell that to Mr. Black that</p> <p>25 she didn't want him to visit?</p>

<p style="text-align: right;">Page 102</p> <p>1 Esaun Pinto</p> <p>2 A. I told him, and I continued to</p> <p>3 convince her, Joanne, it's going to be all</p> <p>4 right, it's going to be all right, it's going to</p> <p>5 be all right, I'll be right here.</p> <p>6 You can't leave the room, you've</p> <p>7 got to sit next to me. There were instructions.</p> <p>8 There's got to be security outside the door, and</p> <p>9 thank God I listened to her because the security</p> <p>10 eventually was necessary.</p> <p>11 Q. Well, let me ask you about that.</p> <p>12 Did Ms. Black and Bernard Black, did Joanne</p> <p>13 Black and Bernard Black come to blows?</p> <p>14 A. No.</p> <p>15 Q. Was there any physical contact?</p> <p>16 A. If you're referring to the abuse</p> <p>17 needing to be physical?</p> <p>18 Q. I'm just trying to figure out what</p> <p>19 you're saying, Mr. Pinto.</p> <p>20 A. No, I wouldn't have allowed that.</p> <p>21 Q. Hold on, I'm not referring to</p> <p>22 anything. I'm trying to get information.</p> <p>23 A. But you're desensitizing the</p> <p>24 situation.</p> <p>25 Q. I'm not trying to do that either,</p>	<p style="text-align: right;">Page 104</p> <p>1 Esaun Pinto</p> <p>2 client service agreement with your firm, please</p> <p>3 send me a draft. And why are you laughing?</p> <p>4 A. Because I requested that agreement</p> <p>5 a year and half prior to this.</p> <p>6 Q. Did you ultimately send him an</p> <p>7 agreement?</p> <p>8 A. I don't remember him ever signing</p> <p>9 an agreement.</p> <p>10 Q. Point three: If an overall</p> <p>11 agreement with Cherie and Tony can be worked</p> <p>12 out, I will try to arrange to pay you for</p> <p>13 Cherie's last visit as part of that. But this</p> <p>14 has to be part of an overall agreement. Right</p> <p>15 now, they seem interested in fighting.</p> <p>16 At this time in September 2014, had</p> <p>17 you also talked to Mr. Dain, Mr. Tony Dain about</p> <p>18 it?</p> <p>19 A. I guess so, but what you just read,</p> <p>20 what you just read --</p> <p>21 Q. Yes, sir, what did I just read?</p> <p>22 A. That was Number 4?</p> <p>23 Q. Yes.</p> <p>24 A. He's agreeing to pay my invoice?</p> <p>25 MR. KATZ: That's Number 3.</p>
<p style="text-align: right;">Page 103</p> <p>1 Esaun Pinto</p> <p>2 I'm just trying to get information.</p> <p>3 A. Of course they didn't come to</p> <p>4 blows.</p> <p>5 Q. That's all I was trying to figure</p> <p>6 out. So the situation that was bad in your view</p> <p>7 was verbal abuse?</p> <p>8 A. Not in my view, not just in my</p> <p>9 view.</p> <p>10 Q. That's fine.</p> <p>11 A. Okay.</p> <p>12 Q. I'm just asking what your view is.</p> <p>13 A. I'm just answering. It was bad in</p> <p>14 my view, but not just in my view.</p> <p>15 Q. Okay. The abuse that occurred was</p> <p>16 verbal?</p> <p>17 A. Sure.</p> <p>18 Q. Was it in one direction or was</p> <p>19 Joanne abusive as well?</p> <p>20 A. Joanne was crying.</p> <p>21 Q. Point two, and we're still on</p> <p>22 Exhibit 21.</p> <p>23 A. Sure.</p> <p>24 Q. Mr. Black wrote, I think it makes</p> <p>25 sense to formalize our agreement through a</p>	<p style="text-align: right;">Page 105</p> <p>1 Esaun Pinto</p> <p>2 A. He agreed to pay my invoice</p> <p>3 provided I played ball with him. I wasn't</p> <p>4 playing ball with him anymore.</p> <p>5 Q. Let's go on to Number 4.</p> <p>6 A. So in other words, that was taken</p> <p>7 as a bribe.</p> <p>8 Q. You took it as a bribe?</p> <p>9 A. Sure.</p> <p>10 Q. Point 4, Cherie's current visit to</p> <p>11 Joanne is not authorized by me. I authorized</p> <p>12 you to spend time with Cherie today, but only</p> <p>13 today. If she needs more of your time, and that</p> <p>14 time cannot, in your judgement, fit within an</p> <p>15 overall \$4,000 a month budget for your services,</p> <p>16 that is up to her to arrange with you privately.</p> <p>17 A. I never agreed to a \$4,000 a month</p> <p>18 budget.</p> <p>19 Q. At any time?</p> <p>20 A. Uh-uh.</p> <p>21 Q. So was Mr. --</p> <p>22 MR. KATZ: You have to answer</p> <p>23 verbally.</p> <p>24 A. No, I never agreed to a \$4,000 a</p> <p>25 month budget.</p>

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1 Esaun Pinto
2 Q. Was Mr. Black making that up at
3 this point?
4 A. Mr. Black was trying to continue to
5 run the show and he never did.
6 Q. Okay, I'm listening to your
7 answers.
8 Point 5, I encourage you to be in
9 direct contact with Gayle Young, the Colorado
10 guardian ad litem for Joanne. Had you had
11 contact with Ms. Young prior to September of
12 2014?
13 A. I don't remember, but I don't think
14 so.
15 Q. Did you have contact with her after
16 this email?
17 A. At some point I did.
18 Q. What was the nature of that
19 contact?
20 A. She just wanted to know, if I
21 remember, I don't remember exactly, but I know
22 we spoke about my relationship with Joanne. We
23 spoke about Joanne's condition, we spoke about
24 things that Joanne, plans for Joanne in the
25 future.

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1 Esaun Pinto
2 I believe we spoke about her
3 relationship with Bernard. I'm sure we spoke
4 about this visit, but I didn't communicate with
5 her much at all.
6 Q. I want to, I left Point 3 a little
7 too early, I think. As of September 18, 2014
8 when they email was written and received by you,
9 what role was Mr. Tony Dain playing in any of
10 your care for Joanne Black?
11 A. I believe, I don't know if at this
12 point or if it was later on, but I believe that
13 I was, I was giving him updates on Joanne's
14 condition. I don't remember exactly if we
15 discussed anything other than that. I might
16 have discussed with him getting my invoices paid
17 in a timely fashion. Outside of that, I don't
18 really recall.
19 Q. Were you part of any telephone
20 communications around this time in 2014,
21 September, with Cherie Wrigley and Bernard
22 Black?
23 A. Sure.
24 Q. Can you recall anything about those
25 conversations, either in general or if you have

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1 Esaun Pinto
2 a specific recollection?
3 A. Any conversation with Cherie had to
4 do with the care of Joanne. A lot of those
5 conversations had to do with getting me paid on
6 time. Bernard and I very, very rarely spoke on
7 the telephone.
8 Q. My question to you, and maybe it
9 wasn't a good question, my question to you was,
10 do you recall being part of a conversation with
11 Cherie and Bernard, a telephone conversation?
12 A. Together?
13 Q. Together.
14 A. I don't remember that.
15 Q. When Bernard came out to visit in
16 September, was Cherie also at the hospital?
17 A. Cherie was there, yeah.
18 Q. So did Bernard and Cherie have any
19 conversations with you in connection with the
20 visit or after the visit?
21 A. Independently, yes.
22 Q. No, together.
23 A. Not that I could recall.
24 Q. He wrote to you that he would be
25 available to meet with Cherie on Saturday

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1 Esaun Pinto
2 afternoon, and the date of the email is a
3 Thursday. Do you remember getting together with
4 Cherie and Bernard and you on that Saturday?
5 A. No, I don't think we did. I don't
6 remember exactly, but I doubt we met.
7 Q. Point 6, Mr. Black wrote, I can be
8 available to meet with Joanne in two weeks, on
9 Thursday afternoon, October 2, if you believe
10 this would be advisable. My sense is that
11 regular meetings will be good eventually, even
12 if not immediately. I want to leave two weeks
13 from today up to your judgment.
14 Did you have a conversation with
15 him about his proposal to come in October?
16 A. I don't believe I spoke to Bernard
17 on the phone after this at all.
18 Q. Okay. Do you believe somehow you
19 communicated what your judgment was, whether he
20 should come on October 2nd or not?
21 A. I might have but, again, this is
22 laughable. There was no visiting Joanne again.
23 Q. He didn't come again?
24 A. Not that I could recall, I don't
25 think so. Joanne wouldn't agree to see him.

<p style="text-align: right;">Page 110</p> <p>1 Esaun Pinto</p> <p>2 No, I don't think so.</p> <p>3 Q. He wrote on Point 7, If you can get</p> <p>4 me a full name and contact information, phone,</p> <p>5 email or preferably both for her social worker,</p> <p>6 Nelson, I would be grateful. Did you do that?</p> <p>7 A. No.</p> <p>8 Q. Why not?</p> <p>9 A. Because Joanne didn't want him to</p> <p>10 have contact with anybody involved in her care.</p> <p>11 Q. I assume you must have communicated</p> <p>12 that with Mr. Black somehow?</p> <p>13 A. I communicated that with Mr. Black</p> <p>14 when he was being escorted out of the hospital</p> <p>15 and he gave me the ultimatum.</p> <p>16 Q. What ultimatum did he give you? I</p> <p>17 don't understand.</p> <p>18 A. Either I cooperate with giving him</p> <p>19 the information that I couldn't provide to him</p> <p>20 about Joanne's care, the doctors' numbers, the</p> <p>21 emails, all the contact information, or he was</p> <p>22 going to cut me off.</p> <p>23 Q. Point 8, If you can provide me with</p> <p>24 Dr. -- is that Choudhury?</p> <p>25 A. Choudhury.</p>	<p style="text-align: right;">Page 112</p> <p>1 Esaun Pinto</p> <p>2 representative, as a counsel for Joanne?</p> <p>3 A. I know she worked on, along with</p> <p>4 the social worker in arranging like the stuff</p> <p>5 that would happen after she was released from</p> <p>6 the hospital.</p> <p>7 Q. Was she appointed by the court or</p> <p>8 was she paid by the Black family?</p> <p>9 A. Oh, I don't know.</p> <p>10 Q. Did you meet with Ms. Renzulli only</p> <p>11 after Joanne was committed to a psychiatric</p> <p>12 hospital?</p> <p>13 A. Yes.</p> <p>14 Q. Before you didn't know her?</p> <p>15 A. No, no, Ms. Renzulli worked at</p> <p>16 South Beach.</p> <p>17 Q. She was a lawyer who worked in the</p> <p>18 hospital itself?</p> <p>19 A. Right.</p> <p>20 Q. So you had never had contact with</p> <p>21 her in the many, many years that you had been</p> <p>22 meeting with Joanne?</p> <p>23 A. No, Ms. Renzulli worked at South</p> <p>24 Beach.</p> <p>25 Q. Did you participate in meeting with</p>
<p style="text-align: right;">Page 111</p> <p>1 Esaun Pinto</p> <p>2 Q. Choudhury, thank you for the help.</p> <p>3 That's C-H-O-U-D-H-U-R-Y's email address, I</p> <p>4 would be grateful. My first message to her will</p> <p>5 simply seek to confirm that she is willing to</p> <p>6 receive information from me by email.</p> <p>7 Is your answer the same, you didn't</p> <p>8 provide him with that doctor's contact</p> <p>9 information?</p> <p>10 A. No, and Dr. Choudhury didn't want</p> <p>11 me to provide Mr. Black with any of her</p> <p>12 information.</p> <p>13 Q. The last point here 9, I believe</p> <p>14 that I have found a correct name for Joanne's</p> <p>15 appointed counsel, Nora Drew Renzulli. That's</p> <p>16 R-E-N-Z-U-L-L-I. And he asked for contact</p> <p>17 information for Ms. Renzulli. Did you know Ms.</p> <p>18 Renzulli?</p> <p>19 A. Sure.</p> <p>20 Q. Do you know when she was appointed</p> <p>21 for Joanne?</p> <p>22 A. Somewhere in there, somewhere</p> <p>23 during the South Beach stay. I don't remember</p> <p>24 at which point, but I met with her quite often.</p> <p>25 Q. And what was her role as a</p>	<p style="text-align: right;">Page 113</p> <p>1 Esaun Pinto</p> <p>2 Joanne and Ms. Renzulli?</p> <p>3 A. Sure.</p> <p>4 Q. What was the subject matter of</p> <p>5 those conversations?</p> <p>6 A. Her options about care post</p> <p>7 hospitalizations.</p> <p>8 MR. KATZ: I want to make an</p> <p>9 objection. You're talking about Nora</p> <p>10 Renzulli as counsel for Joanne Black, and</p> <p>11 you're asking about communications that</p> <p>12 took place between Joanne and Nora?</p> <p>13 MR. SCHAALMAN: I did.</p> <p>14 MR. KATZ: I'm just going to object</p> <p>15 because those communications are</p> <p>16 attorney-client privilege.</p> <p>17 MR. FANTONE: Is Ms. Renzulli</p> <p>18 counsel for Joanne or counsel for the</p> <p>19 hospital?</p> <p>20 MR. SCHAALMAN: Well, that was a</p> <p>21 question I asked Mr. Pinto, and I think he</p> <p>22 answered the question that she was working</p> <p>23 at the hospital and was communicating with</p> <p>24 Joanne.</p> <p>25 A. Right, if you want to know whether</p>

<p style="text-align: right;">Page 114</p> <p>1 Esaun Pinto</p> <p>2 she was Joanne's lawyer or the hospital, I don't</p> <p>3 really know what that role looked like.</p> <p>4 Q. Here is Exhibit 22, Mr. Pinto. Mr.</p> <p>5 Pinto, I'm going to ask you some questions about</p> <p>6 Exhibit 22.</p> <p>7 A. Sure.</p> <p>8 Q. This appears to be an email first</p> <p>9 from Mr. Black, Bernard Black, and then a</p> <p>10 communication from you. So let's start at the</p> <p>11 bottom because I think that's the first</p> <p>12 communication in the string.</p> <p>13 Mr. Black writes you on September</p> <p>14 20, subject, no meeting with Cherie today. And</p> <p>15 he writes, Esaun, I have not heard from you,</p> <p>16 should I assume that Cherie preferred not to</p> <p>17 meet with me.</p> <p>18 Was this the meeting on Saturday</p> <p>19 that Mr. Black had written to you about earlier</p> <p>20 on Thursday?</p> <p>21 A. I'm assuming, that's two days</p> <p>22 later. Yeah, I assume that's what he's talking</p> <p>23 about.</p> <p>24 Q. And you wrote back yes, no meeting</p> <p>25 today. How did you know that Cherie wasn't</p>	<p style="text-align: right;">Page 116</p> <p>1 Esaun Pinto</p> <p>2 deposition?</p> <p>3 A. I don't know if I looked at these,</p> <p>4 I don't know.</p> <p>5 Q. This is an email dated Wednesday,</p> <p>6 September 24th, and it's from Mr. Black to you.</p> <p>7 This is Exhibit 23. He writes, Esaun, Cherie</p> <p>8 has gone totally silent on me so I ask that you</p> <p>9 not share with her my emails to you.</p> <p>10 Did you know why Ms. Wrigley was</p> <p>11 apparently not writing or responding to Mr.</p> <p>12 Black?</p> <p>13 A. She was upset about the visit, and</p> <p>14 she was upset about his demand for the</p> <p>15 information about Joanne's hospitalization.</p> <p>16 Q. Did you understand why Mr. Black</p> <p>17 was asking not to share his emails to you with</p> <p>18 Ms. Wrigley?</p> <p>19 A. Yeah, because the line in the sand</p> <p>20 was drawn now, sure.</p> <p>21 Q. And then he goes onto substance, I</p> <p>22 spoke at length today with Dr. Choudhury. Did</p> <p>23 you know how Mr. Black was able to get access to</p> <p>24 Dr. Choudhury?</p> <p>25 A. I have no idea.</p>
<p style="text-align: right;">Page 115</p> <p>1 Esaun Pinto</p> <p>2 going to meet with Mr. Black on Saturday?</p> <p>3 A. I spoke to her.</p> <p>4 Q. What did she say?</p> <p>5 A. That she didn't want to meet with</p> <p>6 him. I don't remember exactly what she said,</p> <p>7 but she definitely didn't want to meet with him.</p> <p>8 Q. Do you know why she didn't want to</p> <p>9 meet with him?</p> <p>10 A. Because the meeting with Joanne was</p> <p>11 that bad, I mean it was horrible.</p> <p>12 Q. And Mr. Black writes, got it,</p> <p>13 please let me know when Cherie leaves since she</p> <p>14 is not informing me directly. No reason to</p> <p>15 interrupt your weekend, but I would appreciate</p> <p>16 if you can respond to my email from Thursday</p> <p>17 early next week. We should arrange a call after</p> <p>18 that.</p> <p>19 Do you recall responding to Mr.</p> <p>20 Black by email?</p> <p>21 A. I don't know.</p> <p>22 Q. Here's Exhibit 23. Mr. Pinto,</p> <p>23 before I ask you about Exhibit 23, do you recall</p> <p>24 reviewing any of these emails that I've just</p> <p>25 been showing you in preparation for your</p>	<p style="text-align: right;">Page 117</p> <p>1 Esaun Pinto</p> <p>2 Q. And he wrote further, I would like</p> <p>3 to visit Joanne again on my next trip to New</p> <p>4 York area, available days for me are Thursday</p> <p>5 October 2 or Saturday October 4. And he writes</p> <p>6 further Dr. Choudhury will speak to Joanne about</p> <p>7 this.</p> <p>8 Did you have any conversations with</p> <p>9 Dr. Choudhury about Mr. Black's, Bernard Black's</p> <p>10 interest in visiting Joanne?</p> <p>11 A. I don't remember, I don't know. I</p> <p>12 remember that Dr. Choudhury and the social</p> <p>13 workers didn't appreciate the way Bernard</p> <p>14 presented at the meeting with Joanne. But at</p> <p>15 this point, I don't know if we were still having</p> <p>16 conversations about Bernard.</p> <p>17 Q. Okay. And then he asks, Can you be</p> <p>18 available. Did you respond to him whether you</p> <p>19 would be available for a meeting on either of</p> <p>20 those days?</p> <p>21 A. I don't know.</p> <p>22 Q. I would like to focus on solving</p> <p>23 one simple issue, how about her clothes. Did</p> <p>24 you know what he meant about that?</p> <p>25 A. Sure.</p>

<p style="text-align: right;">Page 118</p> <p>1 Esaun Pinto</p> <p>2 Q. What did you understand by that?</p> <p>3 A. This is the stuff that he gathered</p> <p>4 from Joanne's mom's house after she passed away.</p> <p>5 Q. Was the subject of her clothes the</p> <p>6 subject of that meeting that she had, that he</p> <p>7 had with Joanne in the hospital on the 18th of</p> <p>8 September?</p> <p>9 A. Say that, I don't understand the</p> <p>10 question.</p> <p>11 Q. I'll say it again. Were Joanne's</p> <p>12 clothes a subject of the meeting that Bernard</p> <p>13 and Joanne had at the hospital when you were</p> <p>14 there?</p> <p>15 A. Sure.</p> <p>16 Q. And was it something Joanne raised,</p> <p>17 how about getting my clothes?</p> <p>18 A. Yeah.</p> <p>19 Q. And did Bernard say no, you can't</p> <p>20 have your clothes?</p> <p>21 A. I don't remember if he said no, you</p> <p>22 can't have your clothes. I believe it was more</p> <p>23 along the lines of you can't do anything with</p> <p>24 that stuff now anyway.</p> <p>25 Q. I see, okay. Do you remember</p>	<p style="text-align: right;">Page 120</p> <p>1 Esaun Pinto</p> <p>2 A. No, I don't remember.</p> <p>3 Q. And he wrote further, all at once,</p> <p>4 a box at a time, five boxes at a time, whatever</p> <p>5 she wants so we can make progress on that I am</p> <p>6 confident.</p> <p>7 Do you recall whether this second</p> <p>8 meeting that Mr. Black is proposing ever took</p> <p>9 place?</p> <p>10 A. I don't think it did. I don't</p> <p>11 really recall, but I don't think it did.</p> <p>12 Q. Do you recall discussing with</p> <p>13 Joanne how she would like to receive her</p> <p>14 clothes, all at once, in portions?</p> <p>15 A. Yes.</p> <p>16 Q. What did she say?</p> <p>17 A. She just wanted her stuff.</p> <p>18 Q. She wanted it all at once?</p> <p>19 A. Yeah.</p> <p>20 MR. SCHAALMAN: So this is a decent</p> <p>21 stopping point for me for my conference</p> <p>22 call. Hopefully, you know, I'm agnostic on</p> <p>23 the issues on the call, so hopefully I'll</p> <p>24 be able to get off quickly.</p> <p>25 I apologize for having to interrupt</p>
<p style="text-align: right;">Page 119</p> <p>1 Esaun Pinto</p> <p>2 discussing with Bernard either on the phone, and</p> <p>3 I know you said you don't really remember having</p> <p>4 any phone conversations with him, but in email</p> <p>5 communications as he's raising with you one</p> <p>6 simple issue about her clothes, do you remember</p> <p>7 having an email dialogue with Mr. Black on that?</p> <p>8 A. There were conversations about --</p> <p>9 MR. KATZ: Objection to form.</p> <p>10 MR. SCHAALMAN: I'm sorry?</p> <p>11 MR. KATZ: Objection to form.</p> <p>12 THE WITNESS: Do I answer?</p> <p>13 MR. FANTONE: You can answer.</p> <p>14 A. There were conversations about</p> <p>15 retrieving Joanne's possessions from Bernard for</p> <p>16 months. There was even talk about me traveling</p> <p>17 to Illinois to get the stuff. There were</p> <p>18 conversations of Bernard mailing stuff, so yeah,</p> <p>19 but I don't remember in this time period what</p> <p>20 that conversation was like. I don't even know</p> <p>21 if I entertained the conversation at this point.</p> <p>22 Q. He wrote further to you, I'd love</p> <p>23 to send Joanne's clothes to Joanne as soon as</p> <p>24 she is ready to receive them. Do you remember</p> <p>25 having that conversation with Mr. Black?</p>	<p style="text-align: right;">Page 121</p> <p>1 Esaun Pinto</p> <p>2 Mr. Pinto, but sometimes you just can't</p> <p>3 schedule things and get them all done at</p> <p>4 the same time.</p> <p>5 MR. MANCILLA: How much longer?</p> <p>6 MR. SCHAALMAN: I don't know.</p> <p>7 (A recess was taken from 1:52 p.m.</p> <p>8 until 2:36 p.m.)</p> <p>9 MR. SCHAALMAN: Alice, can you do</p> <p>10 these three?</p> <p>11 (Three email chains were hereby</p> <p>12 marked as Pinto Exhibits 24, 25 and 26 for</p> <p>13 identification, as of this date.)</p> <p>14 Q. Thank you again for your patience,</p> <p>15 Mr. Pinto. The call only lasted a half hour so</p> <p>16 I think we're still on track.</p> <p>17 I've handed you Exhibit 15 and,</p> <p>18 again, I'm a little bit out of order with some</p> <p>19 of these, so I will just call that to your</p> <p>20 attention, but now we've talked about September</p> <p>21 2014.</p> <p>22 I'm actually going backwards in</p> <p>23 time to February of 2014 because I want to make</p> <p>24 sure I get as much of the story as you can</p> <p>25 remember.</p>

<p style="text-align: right;">Page 122</p> <p>1 Esaun Pinto</p> <p>2 A. Got you.</p> <p>3 MR. FANTONE: You said this was 15?</p> <p>4 THE WITNESS: This is 14. Oh, this</p> <p>5 is 15, the exhibit, yes.</p> <p>6 Q. All right. Let's look at the</p> <p>7 bottom email in this chain which looks like an</p> <p>8 email from you to Bernard Black and Cherie</p> <p>9 Wrigley dated February 19, 2014.</p> <p>10 You start off by saying, The past</p> <p>11 year has been truly rewarding, truly a rewarding</p> <p>12 experience. Joanne is doing so much better</p> <p>13 since she has been receiving treatment.</p> <p>14 So is that a fair statement that</p> <p>15 you were making based on when you brought her</p> <p>16 back to New York up to the time February 19,</p> <p>17 2014?</p> <p>18 A. Yes.</p> <p>19 Q. She has come a long way from when I</p> <p>20 picked her up in Denver. I have spent so much</p> <p>21 time with her over these months that we have</p> <p>22 built a great bond based on trust. We have held</p> <p>23 ourselves accountable for our actions. We talk</p> <p>24 about her treatment, medication she is taking,</p> <p>25 social groups that she participates in and</p>	<p style="text-align: right;">Page 124</p> <p>1 Esaun Pinto</p> <p>2 was, was she sexually abused in her life?</p> <p>3 A. Not that I know of.</p> <p>4 Q. And there was no event that took</p> <p>5 place at the hospital, based on your knowledge,</p> <p>6 that could have led her to believe that she was</p> <p>7 pregnant?</p> <p>8 MR. KATZ: Objection.</p> <p>9 MR. FANTONE: Objection.</p> <p>10 THE WITNESS: Do I answer that?</p> <p>11 MR. FANTONE: You can answer.</p> <p>12 A. Not that I can remember.</p> <p>13 Q. Then in the second to last</p> <p>14 paragraph you wrote, I have reduced my visits to</p> <p>15 twice a week on most weeks. However, sometimes</p> <p>16 things come up and I am needed.</p> <p>17 Did you reduce your visits to twice</p> <p>18 a week on your own, it was your own decision as</p> <p>19 opposed to Mr. Black's decision?</p> <p>20 A. I don't remember exactly the</p> <p>21 circumstances surrounding this, but there was a</p> <p>22 period where the doctors and I decided that I</p> <p>23 needed to slow down a little bit.</p> <p>24 Joanne was becoming extremely</p> <p>25 dependent on my visits, and it was something the</p>
<p style="text-align: right;">Page 123</p> <p>1 Esaun Pinto</p> <p>2 therapy. When things are uncomfortable for her,</p> <p>3 we have found ways to work through them. Today</p> <p>4 Joanne admits to needing help and is</p> <p>5 appreciative of me being there and having</p> <p>6 someone to go through the process with her.</p> <p>7 So if I'm summarizing this pretty</p> <p>8 well, in February of 2014 Joanne was doing much</p> <p>9 better?</p> <p>10 A. Yeah, yes.</p> <p>11 Q. You, again without reading this to</p> <p>12 you, I know you've had a chance to look at it,</p> <p>13 you identify for Mr. Black and Ms. Wrigley some</p> <p>14 health concerns that Joanne had at that time,</p> <p>15 being in February of 2014. Were these health</p> <p>16 issues resolved, her blockage?</p> <p>17 A. Yeah.</p> <p>18 Q. And her dental work and things?</p> <p>19 A. Her dental issues, that is an</p> <p>20 ongoing thing, but the blockage, yes, that was</p> <p>21 resolved.</p> <p>22 Q. You mention on the next page that</p> <p>23 she has a delusion about being pregnant?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know what the source of that</p>	<p style="text-align: right;">Page 125</p> <p>1 Esaun Pinto</p> <p>2 doctors were trying, I don't know if it was just</p> <p>3 medication or if it was medication and therapy,</p> <p>4 but for a short period of time they wanted to</p> <p>5 work on Joanne and kind of have me step back and</p> <p>6 not be as active.</p> <p>7 Q. And I assume you followed the</p> <p>8 doctor's suggestion and reduced your visits to</p> <p>9 twice a week?</p> <p>10 A. For a short period of time, yeah.</p> <p>11 Q. What do you mean?</p> <p>12 A. Some of the visits were, there was</p> <p>13 a period where I may only go twice a week, but</p> <p>14 she may want to see one of my guys, or she may</p> <p>15 want to speak to my grandmother or she may want</p> <p>16 to speak to the kids, so things changed at</p> <p>17 times.</p> <p>18 Q. I expect that your grandmother,</p> <p>19 neither your grandmother or children actually</p> <p>20 went to the hospital?</p> <p>21 A. No, but my wife did.</p> <p>22 Q. And then you wrote in that same</p> <p>23 paragraph, I think moving forward at a flat rate</p> <p>24 may be less of a hassle for both of us, a</p> <p>25 monthly rate to be paid at the start of the</p>

<p style="text-align: right;">Page 126</p> <p>1 Esaun Pinto</p> <p>2 month. I propose a rate of \$8,000 per month.</p> <p>3 This should put you in a more comfortable</p> <p>4 operating range. I will invoice on a monthly</p> <p>5 basis for your records, and the only additional</p> <p>6 expense will be things needed for Joanne. Those</p> <p>7 things I will use the account or list on the</p> <p>8 invoice.</p> <p>9 So starting in February of 2014,</p> <p>10 did you start to bill \$8,000 a month?</p> <p>11 A. I don't remember exactly, but it</p> <p>12 was probably somewhere around this time, yeah.</p> <p>13 Q. And then the final paragraph, My</p> <p>14 records show that we were paid up to February</p> <p>15 10th. So at least as of this time when you</p> <p>16 wrote the email to Mr. Black, your payments</p> <p>17 weren't a problem?</p> <p>18 A. My payments were always a problem,</p> <p>19 they were always a problem. So this email, this</p> <p>20 email was sent on the 19th, I was paid through</p> <p>21 the 10th. I'm ten days behind already, and</p> <p>22 we're just recommending, we're just talking</p> <p>23 about a monthly payment.</p> <p>24 Q. Oh, I see. So you wanted to be</p> <p>25 paid in advance, a month in advance?</p>	<p style="text-align: right;">Page 128</p> <p>1 Esaun Pinto</p> <p>2 one of them. So I was cc'g, I was communicating</p> <p>3 with both of them at the same time and kind of</p> <p>4 held them in the same regard for the most part.</p> <p>5 However, the person I communicated the most with</p> <p>6 was Cherie.</p> <p>7 Q. Did you at any time, again, let's</p> <p>8 take some time period you might be able to focus</p> <p>9 on. From the time you brought Joanne back to</p> <p>10 New York up until this email that you sent to</p> <p>11 Mr. Black, did you ever complain about Mr. Black</p> <p>12 to Ms. Wrigley?</p> <p>13 A. Sure.</p> <p>14 Q. And what kind of complaints did you</p> <p>15 make?</p> <p>16 A. I wanted a client agreement. I</p> <p>17 wanted to actually meet him. It felt necessary</p> <p>18 for me, I assumed that it would have been</p> <p>19 necessary for him as well, but apparently it</p> <p>20 wasn't.</p> <p>21 But I was uncomfortable about</p> <p>22 working without a written, signed client</p> <p>23 agreement. That was my biggest issue, and then</p> <p>24 the next issue was I felt like I needed to meet</p> <p>25 him in person.</p>
<p style="text-align: right;">Page 127</p> <p>1 Esaun Pinto</p> <p>2 A. Not necessarily. I just wanted to</p> <p>3 be paid in a timely fashion, and I didn't want</p> <p>4 to debate and argue about invoices.</p> <p>5 Q. Sure, I'm just trying to understand</p> <p>6 your answer that you were behind even though you</p> <p>7 were paid on the 10th. So did you expect to be</p> <p>8 paid on the 1st?</p> <p>9 A. I expected to be current. I don't</p> <p>10 remember at this time if we had already started</p> <p>11 the monthly payment, I don't remember.</p> <p>12 Q. Okay. And then the last thing you</p> <p>13 wrote to both Mr. Black and a cc to Ms. Wrigley</p> <p>14 is, Thanks again for trusting in me to care for</p> <p>15 Joanne. So it sounds like from the tenor of</p> <p>16 this email that you had a pretty good</p> <p>17 relationship with Mr. Black at this time in</p> <p>18 February of 2014.</p> <p>19 A. No, it just sounds like I was</p> <p>20 trying to be professional.</p> <p>21 Q. So you didn't actually mean what</p> <p>22 you wrote?</p> <p>23 A. I just was trying to remain</p> <p>24 professional. At this time, again, at this time</p> <p>25 Cherie and Bernard were -- I didn't know either</p>	<p style="text-align: right;">Page 129</p> <p>1 Esaun Pinto</p> <p>2 Q. Did you have any other complaints</p> <p>3 that you can recall?</p> <p>4 A. Other than my invoices being paid,</p> <p>5 no.</p> <p>6 Q. Here's Exhibit 16. So this is</p> <p>7 dated September, the bottom email from Mr. Black</p> <p>8 is dated September 2, 2014. And he writes,</p> <p>9 Esaun, I am writing on two important issues.</p> <p>10 First, I'm obtaining very strong push back from</p> <p>11 the Colorado court on approving your expenses</p> <p>12 for last year.</p> <p>13 Do you recall having a conversation</p> <p>14 about push back from the Colorado court --</p> <p>15 A. Yes.</p> <p>16 Q. Let me --</p> <p>17 A. I'm sorry.</p> <p>18 Q. -- with Ms. Wrigley. Starting with</p> <p>19 her first. Did she tell you that the court was</p> <p>20 having difficulty?</p> <p>21 A. I don't remember that.</p> <p>22 Q. How about Mr. Dain?</p> <p>23 A. I don't remember that either.</p> <p>24 Q. Do you remember having a</p> <p>25 conversation with Mr. Dain at all about, and I'm</p>

<p style="text-align: right;">Page 130</p> <p>1 Esaun Pinto</p> <p>2 now talking about this period of time in 2014</p> <p>3 about the Colorado court.</p> <p>4 A. I remember having a conversation</p> <p>5 with Mr. Dain about the Colorado court. I don't</p> <p>6 remember if it was in 2014.</p> <p>7 Q. Okay, thank you. And he writes in</p> <p>8 the next paragraph, For September and going</p> <p>9 forward, please reduce your billing to half of</p> <p>10 the prior level, \$4,000 per month and document</p> <p>11 all visits to Joanne, record your hours. I need</p> <p>12 both to bring your billing down and to be able</p> <p>13 to defend it to the Colorado court.</p> <p>14 Does this refresh your recollection</p> <p>15 that you were billing at \$8,000 a month and Mr.</p> <p>16 Black was asking you to bring it down to \$4,000</p> <p>17 a month in September?</p> <p>18 A. Yeah, I knew what he was</p> <p>19 requesting, sure, I never agreed to it though.</p> <p>20 Q. Okay. And then he writes at the</p> <p>21 bottom paragraph, Second, I believe that it is</p> <p>22 time for me to visit Joanne if possible. Please</p> <p>23 discuss this with her. I will be in New York in</p> <p>24 two weeks. That is a good target time.</p> <p>25 I assume you started discussing</p>	<p style="text-align: right;">Page 132</p> <p>1 Esaun Pinto</p> <p>2 Q. And you wrote back, got it, call</p> <p>3 you later. Do you remember calling Mr. Black?</p> <p>4 A. No.</p> <p>5 Q. But you did have his phone number</p> <p>6 at least as of this date?</p> <p>7 A. Yeah.</p> <p>8 Q. Here's 17, Mr. Pinto. Mr. Pinto,</p> <p>9 you can read the whole string, but I will just</p> <p>10 tell you that you're only involved in this</p> <p>11 starting on the second page, Page 2 of 5. So if</p> <p>12 you don't mind, I'm not going to ask you</p> <p>13 questions about emails you weren't part of.</p> <p>14 A. Okay.</p> <p>15 Q. So the second page there's an email</p> <p>16 from Cherie Wrigley to Bernard Black, to Anthony</p> <p>17 Dain and also to you. She writes, Bernie, you</p> <p>18 attempted to start the email by addressing both</p> <p>19 of us and it went downhill immediately. You</p> <p>20 basically ignored me, threats abound and your</p> <p>21 unprofessional way of communication is shocking.</p> <p>22 Really??? You never told me that guardianship</p> <p>23 bothered you. Now, this is September 4, 2014.</p> <p>24 A. Right.</p> <p>25 Q. And apparently Ms. Wrigley includes</p>
<p style="text-align: right;">Page 131</p> <p>1 Esaun Pinto</p> <p>2 that with Joanne shortly after you got the</p> <p>3 email, whether she would permit her brother to</p> <p>4 come visit?</p> <p>5 A. Yeah, this is after Cherie's visit,</p> <p>6 and, yeah, I did speak to Joanne about that.</p> <p>7 Q. Did you tell Mr. Black not to come?</p> <p>8 A. I wasn't in a position to tell him</p> <p>9 not to come.</p> <p>10 Q. Did you tell him that Joanne didn't</p> <p>11 want to see him?</p> <p>12 A. I probably did.</p> <p>13 Q. And then he writes on the last</p> <p>14 paragraph, We should discuss by phone</p> <p>15 developments with her, including a potential</p> <p>16 move to a halfway house. If you can provide me</p> <p>17 with names and phone number for her therapist at</p> <p>18 the hospital, I would be grateful. And then he</p> <p>19 gives you, I am at this phone number. I can</p> <p>20 call you this afternoon, Tuesday is convenient</p> <p>21 if you tell me when.</p> <p>22 So Mr. Black had actually asked you</p> <p>23 for the number of the therapist before he came</p> <p>24 to see his sister on the 18th of September?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 133</p> <p>1 Esaun Pinto</p> <p>2 you on this email as a cc along with Mr. Dain.</p> <p>3 Prior to September 4, 2014, had Ms. Wrigley told</p> <p>4 you she wanted to be the sole guardian for</p> <p>5 Joanne?</p> <p>6 A. I don't recall. I don't know, she</p> <p>7 might have.</p> <p>8 Q. And then she wrote, I have always</p> <p>9 encouraged you to be a more loving brother to</p> <p>10 your sister and take a more active loving kind</p> <p>11 role in her life.</p> <p>12 Did Ms. Wrigley ever discuss that</p> <p>13 with you on or about September 4th, the day she</p> <p>14 sends you this email?</p> <p>15 A. Discuss Bernard being a more loving</p> <p>16 brother?</p> <p>17 Q. That she had been trying to</p> <p>18 encourage him to be a more loving brother,</p> <p>19 according to her.</p> <p>20 A. I don't know, she might have. But</p> <p>21 that sentiment was the same from Joanne. Joanne</p> <p>22 wanted Bernard to be a more loving brother, so</p> <p>23 she could have, I don't know.</p> <p>24 Q. So I'm trying to figure out the</p> <p>25 timing here. So Bernard writes you in early</p>

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1 Esaun Pinto
2 September of 2014 telling you he would like to
3 visit Joanne and asks you if you would speak
4 with her about that visit. We've already
5 discussed that.
6 When you started to talk to Joanne
7 about Bernard coming to visit her, did she tell
8 you, that's great because I'd like Bernard to be
9 a more loving brother?
10 A. When I started to speak to Joanne
11 about Bernard visiting?
12 Q. Yes, sir.
13 A. Did Joanne say great, no, no, no,
14 no.
15 Q. So did she express any interest in
16 Bernard being a more loving brother at that
17 point?
18 A. She had expressed that for years.
19 By this time, she doesn't want anything to do
20 with Bernard.
21 Q. So she doesn't care if he's a
22 loving brother or not?
23 A. She doesn't want to have anything
24 to do with him. I mean, she still mentions that
25 she wished their relationship was different.

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1 Esaun Pinto
2 Q. So let's turn then to the email
3 that he sends to you on the first page. We're
4 still on Exhibit 17. This is dated September 4,
5 2014 and he starts, Esaun, this is a
6 confidential communication.
7 Did you keep this communication
8 confidential?
9 A. From who?
10 Q. From anyone besides you.
11 A. So again, we're talking about a
12 period where this line is being drawn in the
13 sand, and things are starting to get weird
14 because prior to either one, Cherie or Bernard
15 visiting, my job was just about Joanne. So none
16 of this stuff was even relevant to me. It was
17 just about Joanne.
18 So this communication, did I relay
19 it to Cherie, I might have. I probably did.
20 Q. Okay. And he writes, I regret that
21 Cherie has chosen to bring you into the middle
22 of this, but you can see why it is important
23 that we talk.
24 Did you understand that he was
25 upset or concerned that Cherie had introduced

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1 Esaun Pinto
2 this whole issue of the guardianship to you?
3 A. Did I understand why he was upset,
4 no.
5 Q. Did you ever ask to be Joanne's
6 guardian?
7 A. I never wanted to be Joanne's
8 guardian.
9 Q. So you never --
10 A. No.
11 Q. Did Joanne ask you to be her
12 guardian?
13 A. Joanne wanted me to be her
14 guardian.
15 Q. And when she said that, I
16 understand from your answer you said no?
17 A. I can't do that.
18 Q. Was it too much work or you didn't
19 want to take it on or you weren't qualified,
20 what was the reason?
21 A. A little bit of all of that,
22 besides the fact that this started to get very
23 complicated.
24 Q. He wrote, Cherie's reply as I read
25 it confirms my worry that Cherie is attempting

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1 Esaun Pinto
2 to set up sole guardianship of Joanne against my
3 wishes and behind my back. You can see why it
4 is important that we talk before you and Cherie
5 meet with Joanne.
6 So one thing we can date is Cherie
7 had not yet met with Joanne, according to Mr.
8 Black's email?
9 A. I think Cherie had already met. If
10 I remember right, I think Cherie met with Joanne
11 in August. I think this is the second visit.
12 Q. I didn't follow. There was a
13 second visit with Cherie?
14 A. Yeah, because Cherie was there at
15 the time of Bernie's visit, Bernard's visit.
16 Q. So that would be the second visit?
17 A. I believe so.
18 Q. And he asks you not to let Cherie
19 meet with Joanne without you being present.
20 A. Right.
21 Q. And I take it that's something you
22 would have done anyway, right?
23 A. Without myself being present?
24 Q. Let me rephrase the question.
25 A. Sure.

<p style="text-align: right;">Page 138</p> <p>1 Esaun Pinto</p> <p>2 Q. As I read what Mr. Black is saying</p> <p>3 to you -- I'll start again, thanks for your</p> <p>4 patience.</p> <p>5 A. No problem.</p> <p>6 Q. As I read what Mr. Black is writing</p> <p>7 to you, he is saying that he didn't want Cherie</p> <p>8 to meet with Joanne without you being present.</p> <p>9 A. Right.</p> <p>10 Q. And my question to you was, you</p> <p>11 would not have let either Cherie or Bernard meet</p> <p>12 with Joanne at this time without you being</p> <p>13 present?</p> <p>14 A. Joanne wouldn't allow it.</p> <p>15 Q. And you knew that?</p> <p>16 A. Sure.</p> <p>17 Q. I'm just curious, was Joanne</p> <p>18 meeting with any other family members at this</p> <p>19 time?</p> <p>20 A. My family.</p> <p>21 Q. I'm sorry, I meant her family.</p> <p>22 A. No, no.</p> <p>23 Q. Was she meeting with anyone outside</p> <p>24 of your family, did she have friends who came to</p> <p>25 visit?</p>	<p style="text-align: right;">Page 140</p> <p>1 Esaun Pinto</p> <p>2 understand. He wrote, If I understand our</p> <p>3 relationship correctly, you are working for me</p> <p>4 in my capacity as the financial conservator for</p> <p>5 Joanne as trustee of trusts of which Joanne is</p> <p>6 the principal beneficiary and as executor of the</p> <p>7 estate of Renata Black. Was that your</p> <p>8 understanding of what you were doing?</p> <p>9 A. No.</p> <p>10 Q. What was your understanding?</p> <p>11 A. I worked for Joanne.</p> <p>12 Q. Did you understand Mr. Black was</p> <p>13 the fellow who was supposed to pay you?</p> <p>14 A. Sure. I take that back. I</p> <p>15 understand that I needed to be paid, I needed to</p> <p>16 be paid, and it either came from, at the time,</p> <p>17 Cherie or Bernard.</p> <p>18 Q. Were there times when Cherie paid</p> <p>19 you?</p> <p>20 A. At this point, I don't think so.</p> <p>21 Q. When did Cherie start to pay you?</p> <p>22 A. When Bernard stopped. My role was</p> <p>23 to take care, to take care of Joanne. My job</p> <p>24 was never to protect the interests of Bernard.</p> <p>25 Q. Or Cherie?</p>
<p style="text-align: right;">Page 139</p> <p>1 Esaun Pinto</p> <p>2 A. No, it was just my family and my</p> <p>3 friends, that's all.</p> <p>4 Q. And when some of your family</p> <p>5 members went, like you mentioned your wife went</p> <p>6 to the hospital, you weren't there for that</p> <p>7 meeting?</p> <p>8 A. I think my wife went to visit her</p> <p>9 once and I had the kids in the car.</p> <p>10 Q. In other words, you didn't think</p> <p>11 Joanne wouldn't meet with your wife without you</p> <p>12 there?</p> <p>13 A. No, no.</p> <p>14 Q. That wasn't an issue for Joanne?</p> <p>15 A. No.</p> <p>16 Q. And he writes then next, Such a</p> <p>17 meeting will give Cherie an opportunity to</p> <p>18 convince Joanne that I am the evil brother and</p> <p>19 that Cherie is Joanne's protection against me.</p> <p>20 Did you understand why Mr. Black</p> <p>21 might be feeling that way?</p> <p>22 A. No, because Joanne didn't need</p> <p>23 Cherie to convince Joanne that Bernard was evil.</p> <p>24 Q. Then the next paragraph, so that</p> <p>25 would be one, two, three, four, it starts if I</p>	<p style="text-align: right;">Page 141</p> <p>1 Esaun Pinto</p> <p>2 A. Or Cherie.</p> <p>3 Q. Right, okay. Did you ever explain</p> <p>4 to Mr. Black that as far as you were concerned</p> <p>5 you were not working for him?</p> <p>6 A. Sure.</p> <p>7 Q. Do you recall what his response</p> <p>8 was?</p> <p>9 A. Not exactly, but he let it go. He</p> <p>10 let it go. I mean, yeah.</p> <p>11 MR. SCHAAALMAN: Would you mark</p> <p>12 this, mark it as the next exhibit.</p> <p>13 (Email chain was hereby marked as</p> <p>14 Pinto Exhibit 27 for identification, as of</p> <p>15 this date.)</p> <p>16 Q. Here's Exhibit 27, Mr. Pinto. I'm</p> <p>17 sorry, Mr. Pinto, look up when you're done.</p> <p>18 This is Exhibit 27, and it appears to be at</p> <p>19 least starting about the middle of the page --</p> <p>20 A. I've got two of these.</p> <p>21 Q. That's where the extra one was.</p> <p>22 We'll ship it down to Ms. Hoskinson.</p> <p>23 So on September 27, 2014, Mr. Black</p> <p>24 sends you an email with the subject Urgent</p> <p>25 request that you respond to me. And he starts</p>

<p style="text-align: right;">Page 142</p> <p>1 Esaun Pinto</p> <p>2 out by writing, I truly appreciate the efforts</p> <p>3 you have made for my sister Joanne and believe</p> <p>4 you can play a valuable role in the future, but</p> <p>5 you need to be in regular communication with me.</p> <p>6 I met with you and Joanne on Thursday, September</p> <p>7 18. At that time you and I decided it would be</p> <p>8 useful for you, me and Cherie to meet while both</p> <p>9 Cherie and I were in New York. I reserved a</p> <p>10 time for the meeting on Saturday afternoon.</p> <p>11 Do you recall whether you were in</p> <p>12 agreement that it would be useful for you and</p> <p>13 Mr. Black and Ms. Wrigley to meet after they had</p> <p>14 met with Joanne on September 18th?</p> <p>15 A. I might have. I don't know.</p> <p>16 Q. Do you know what the purpose of</p> <p>17 such a meeting was, do you remember?</p> <p>18 A. If I requested a meeting for the</p> <p>19 three of us, it was probably to try to make</p> <p>20 sense of what was going on because it became a</p> <p>21 bit of a circus.</p> <p>22 Q. And Mr. Black then writes, Since</p> <p>23 then, I have repeatedly tried to reach you,</p> <p>24 without success, on matters which are time</p> <p>25 urgent including my hope to visit Joanne again</p>	<p style="text-align: right;">Page 144</p> <p>1 Esaun Pinto</p> <p>2 text, I don't really remember, but I believe</p> <p>3 that he received that message from me.</p> <p>4 Q. The last paragraph he wrote, As</p> <p>5 financial conservator for Joanne and as trustee</p> <p>6 for her trust fund I cannot continue to pay you</p> <p>7 if you are not in regular communication with me.</p> <p>8 Did you think that was unreasonable</p> <p>9 for Mr. Black to ask you to be in regular</p> <p>10 communication with him?</p> <p>11 A. Did I think it was unreasonable,</p> <p>12 no, no, no. But what he was asking for was</p> <p>13 unreasonable, communication wasn't reasonable</p> <p>14 but everything else was.</p> <p>15 Q. Then he gives you his phone number</p> <p>16 and email. Do you recall speaking to him after</p> <p>17 this September 28th email?</p> <p>18 A. I don't think I did.</p> <p>19 Q. Here's 25, Mr. Pinto.</p> <p>20 MR. FANTONE: You said 25?</p> <p>21 MR. SCHAALMAN: I did. I'm glad</p> <p>22 you're paying attention, Mr. Fantone. It</p> <p>23 makes me feel very good.</p> <p>24 Q. So this is an email continuation, I</p> <p>25 think, of the email I just showed you. So on</p>
<p style="text-align: right;">Page 143</p> <p>1 Esaun Pinto</p> <p>2 this week either on Thursday or Saturday and do</p> <p>3 not know why I have tried to reach you by email,</p> <p>4 and lists those emails and then he lists times</p> <p>5 on the second page he had tried to reach you by</p> <p>6 phone.</p> <p>7 Do you remember Mr. Black trying to</p> <p>8 reach you by phone on these dates?</p> <p>9 A. I remember him trying to reach me</p> <p>10 by phone, yeah.</p> <p>11 Q. Did you speak to him by phone?</p> <p>12 A. No.</p> <p>13 Q. Do you know why?</p> <p>14 A. I had nothing to talk to him about.</p> <p>15 Q. So even though he wanted to set up</p> <p>16 another meeting with Joanne --</p> <p>17 A. Joanne wasn't interested in seeing</p> <p>18 him.</p> <p>19 Q. And you didn't think it was</p> <p>20 important for you just to tell Mr. Black, sorry,</p> <p>21 the first meeting didn't go well, and she's told</p> <p>22 me she's not ready to have another meeting so</p> <p>23 don't come?</p> <p>24 A. I believe I communicated that with</p> <p>25 him. I don't know if it was via phone, email,</p>	<p style="text-align: right;">Page 145</p> <p>1 Esaun Pinto</p> <p>2 Page 3 and 4 is the email we just discussed.</p> <p>3 A. Right.</p> <p>4 Q. And at the bottom of Page 2, that's</p> <p>5 where I would like you to look at is where I</p> <p>6 think you respond to Mr. Black. Okay, you wrote</p> <p>7 on September 29, the day after or two days after</p> <p>8 Mr. Black wrote to you, Hello Bernard, I have</p> <p>9 received your messages both by phone and now</p> <p>10 email. Your visit with Joanne caused</p> <p>11 unnecessary anxiety. For now I will just</p> <p>12 continue to be supportive of her and follow her</p> <p>13 wishes.</p> <p>14 The way you described the meeting</p> <p>15 earlier in your testimony today it was more than</p> <p>16 anxiety.</p> <p>17 A. Sure.</p> <p>18 Q. But you didn't write that to Mr.</p> <p>19 Black.</p> <p>20 A. No, because I didn't want to</p> <p>21 memorialize a bunch of curse words.</p> <p>22 Q. I see. You continued on, Joanne's</p> <p>23 recovery is of utmost importance to me. I will</p> <p>24 wait to see what comes of the conflict between</p> <p>25 you, Cherie and Anthony.</p>

<p style="text-align: right;">Page 146</p> <p>1 Esaun Pinto</p> <p>2 So the email which I think was</p> <p>3 exhibit, I don't have it in front of me, we</p> <p>4 recently saw an email that Mr. Black shared with</p> <p>5 you his concerns about Ms. Wrigley becoming the</p> <p>6 guardian, the sole guardian.</p> <p>7 A. Right.</p> <p>8 Q. Is that the conflict you're talking</p> <p>9 about between you, Mr. Black, Cherie and</p> <p>10 Anthony?</p> <p>11 A. Yeah.</p> <p>12 Q. And then you wrote, I have spoken</p> <p>13 with Ms. Young and Ms. Babcock. Is Ms. Young</p> <p>14 Gayle Young?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you recall about that</p> <p>17 conversation?</p> <p>18 A. I just remember her asking me about</p> <p>19 my relationship with Joanne, the history of our</p> <p>20 relationship, that was with Ms. Babcock as well.</p> <p>21 Our history together, and then what was going on</p> <p>22 currently with her, her care.</p> <p>23 Q. I don't recall, I should probably</p> <p>24 know this, but do you know who Ms. Babcock was?</p> <p>25 A. I think she was an investigator</p>	<p style="text-align: right;">Page 148</p> <p>1 Esaun Pinto</p> <p>2 Q. Finally, Joanne is not willing to</p> <p>3 see or speak with you at this time. You wrote,</p> <p>4 I will continue to visit her at least twice a</p> <p>5 week and keep you updated as much as I can. So</p> <p>6 you were going to tell Mr. Black about Joanne's</p> <p>7 progress and how she was doing and so on?</p> <p>8 A. Yeah, as long as Joanne was all</p> <p>9 right with it.</p> <p>10 Q. Did you discuss that with Joanne,</p> <p>11 you know, I'd like you to, it's okay with me if</p> <p>12 you contact my brother and tell him how I'm</p> <p>13 doing?</p> <p>14 A. No, I just followed Joanne's lead.</p> <p>15 If Joanne didn't want me speaking to him, then I</p> <p>16 didn't talk to him.</p> <p>17 Q. So then Mr. Black wrote to you on</p> <p>18 the 30th of September, and the text of his email</p> <p>19 to you is on the top of Page 2.</p> <p>20 A. Okay.</p> <p>21 Q. Esaun, I am sorry but if you cannot</p> <p>22 communicate with me and do so regularly not</p> <p>23 after many attempts and a long delay, I cannot</p> <p>24 justify continuing to pay you. I'm acting on</p> <p>25 the advice of my Colorado counsel Carl</p>
<p style="text-align: right;">Page 147</p> <p>1 Esaun Pinto</p> <p>2 from Colorado.</p> <p>3 Q. She worked with Ms. Young?</p> <p>4 A. I don't know in what capacity.</p> <p>5 Q. And Ms. Young was the guardian ad</p> <p>6 litem?</p> <p>7 A. I believe so.</p> <p>8 Q. Do you remember having any</p> <p>9 conversations with Ms. DiPonio around this time?</p> <p>10 A. I don't think so. I don't really</p> <p>11 remember. I know I spoke to Ms. Young and Ms.</p> <p>12 Babcock.</p> <p>13 Q. And besides what you've already</p> <p>14 told me, do you remember anything else about</p> <p>15 what you said to either of those ladies?</p> <p>16 A. No, we just talked about the</p> <p>17 history of my relationship with Joanne and her</p> <p>18 current care.</p> <p>19 Q. And then you wrote, I have been</p> <p>20 advised not to forward any information to you</p> <p>21 with consent from Joanne, did you mean without</p> <p>22 consent from Joanne?</p> <p>23 A. What I meant is Joanne didn't want</p> <p>24 me to forward anything. I think I followed that</p> <p>25 up.</p>	<p style="text-align: right;">Page 149</p> <p>1 Esaun Pinto</p> <p>2 Gladstein. That's G-L-A-D-S-T-E-I-N, who is</p> <p>3 cc'd. Mr. Gladstein has advised me that in my</p> <p>4 fiduciary capacity as financial conservator for</p> <p>5 Joanne, executive of the estate of Renata Black</p> <p>6 and co-trustee of her trust account, I cannot in</p> <p>7 good conscious continue to pay for your services</p> <p>8 when you refuse to communicate openly with me.</p> <p>9 Then he goes on to tell you that</p> <p>10 your services have been terminated.</p> <p>11 A. Right.</p> <p>12 Q. Did you discuss that with Ms.</p> <p>13 Wrigley at the time you received this email?</p> <p>14 A. Sure.</p> <p>15 Q. What did Ms. Wrigley say?</p> <p>16 A. Not to worry about it.</p> <p>17 Q. Did you talk to Mr. Dain about</p> <p>18 that?</p> <p>19 A. I'm sure I did.</p> <p>20 Q. Did you talk to him in an email?</p> <p>21 A. I don't remember, I don't know. I</p> <p>22 spoke to Cherie pretty regularly, so it was</p> <p>23 probably by phone.</p> <p>24 Q. If you spoke to Mr. Dain about</p> <p>25 this, do you recall what he said?</p>

<p style="text-align: right;">Page 150</p> <p>1 Esaun Pinto</p> <p>2 A. I don't remember, I don't know. I</p> <p>3 don't know if it was me communicating with</p> <p>4 Cherie and Cherie communicating with Mr. Dain or</p> <p>5 vice versa, I don't know.</p> <p>6 Q. Then you wrote back to Mr. Black.</p> <p>7 If you look at the first page.</p> <p>8 A. Sure.</p> <p>9 Q. I think that covers it. And you</p> <p>10 wrote, I don't have any problems communicating</p> <p>11 with you. I have tried to communicate with you</p> <p>12 throughout this process dating back to April of</p> <p>13 2013. Only during the last two months have you</p> <p>14 corresponded with me. All of my communications</p> <p>15 have been with Cherie because you were unwilling</p> <p>16 to be involved.</p> <p>17 So it's your recollection at least</p> <p>18 as of September 30, 2014 that Mr. Black hadn't</p> <p>19 communicated with you except for the prior two</p> <p>20 months?</p> <p>21 A. Right, we only communicated</p> <p>22 primarily via email about the invoices.</p> <p>23 Q. And then you said, All of my</p> <p>24 communications have been with Cherie because you</p> <p>25 were unwilling to be involved. And how did you</p>	<p style="text-align: right;">Page 152</p> <p>1 Esaun Pinto</p> <p>2 client was, my role would be defined. Again,</p> <p>3 prior to this period of time, these couple of</p> <p>4 months, Cherie and Bernard is Joanne's family,</p> <p>5 they're one group, and then I'm taking care of</p> <p>6 Joanne.</p> <p>7 It wasn't until we started having</p> <p>8 issues or they started having issues that there</p> <p>9 became a divide. Even with that said, I</p> <p>10 wouldn't have gone against what Joanne's wishes</p> <p>11 were. I might have tried harder to convince</p> <p>12 Joanne otherwise.</p> <p>13 Q. And at the top email, there's one</p> <p>14 more email here on Exhibit 25, Ms. Wrigley</p> <p>15 writes to Bernard and copying Mr. Dain, you and</p> <p>16 Mr. Gladstein. And she writes, This is a far</p> <p>17 nicer note than Esaun ever received from you in</p> <p>18 the 17 months since I hired him to be Joanne's</p> <p>19 personal helper. Had you ever received</p> <p>20 unpleasant emails?</p> <p>21 A. The communications weren't</p> <p>22 pleasant. We were arguing about invoices. I</p> <p>23 wanted to update Bernard with things about</p> <p>24 Joanne's care and pictures and things like that</p> <p>25 and he wasn't interested.</p>
<p style="text-align: right;">Page 151</p> <p>1 Esaun Pinto</p> <p>2 decide that Mr. Black had been unwilling to be</p> <p>3 involved?</p> <p>4 A. I had requested meetings with him.</p> <p>5 Q. And he didn't, he said I'm not</p> <p>6 interested in coming?</p> <p>7 A. He came up with some form of</p> <p>8 excuse, I don't know if it was I'm not</p> <p>9 interested in coming or I'm busy this weekend,</p> <p>10 I've got a birthday party next month. I don't</p> <p>11 know what the reason was, but it wasn't until</p> <p>12 the line was drawn in the sand after Cherie's</p> <p>13 visit to where Bernard started to communicate</p> <p>14 with me on a more regular basis.</p> <p>15 Q. And you wrote further, Your request</p> <p>16 for information from me is against Joanne's</p> <p>17 wishes and I will not betray her trust.</p> <p>18 Furthermore, I have requested a client agreement</p> <p>19 in writing from you over a year ago, and without</p> <p>20 it I hold the position that Joanne is my client</p> <p>21 with Cherie managing her affairs.</p> <p>22 If you had a client agreement,</p> <p>23 would you have considered Mr. Black to be your</p> <p>24 client then?</p> <p>25 A. Possibly, if he defined who my</p>	<p style="text-align: right;">Page 153</p> <p>1 Esaun Pinto</p> <p>2 Q. Then she says, By the way, I called</p> <p>3 him, and I think she's referring to Mr.</p> <p>4 Gladstein, this afternoon and left a message</p> <p>5 regarding some alleged improprieties on your</p> <p>6 part and let him know what kind of client he was</p> <p>7 involved with.</p> <p>8 Do you know what alleged</p> <p>9 improprieties that Ms. Wrigley told Mr.</p> <p>10 Gladstein about?</p> <p>11 A. That is irrelevant to me. I didn't</p> <p>12 pay much attention to that.</p> <p>13 Q. So she didn't tell you about the</p> <p>14 alleged improprieties?</p> <p>15 A. If she did, I didn't pay any</p> <p>16 attention to it.</p> <p>17 Q. Do you know why she copied you on</p> <p>18 this email?</p> <p>19 A. Maybe she wanted me to know what</p> <p>20 was going on, but it was not stuff I was</p> <p>21 interested in.</p> <p>22 Q. Here's 26, Mr. Pinto. You know, I</p> <p>23 haven't been asking this question but I probably</p> <p>24 should. Do you recall seeing this email before?</p> <p>25 A. This one?</p>

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1 Esaun Pinto

2 Q. Yes.

3 A. I don't know. It doesn't look

4 familiar. I could read it and figure out if I

5 read it before.

6 Q. Okay.

7 MR. MANCILLA: What number is this?

8 MR. SCHAALMAN: This is 26.

9 Q. Here's an email from Mr. Black back

10 in September now of 2014 before he visited

11 Joanne on the 18th of September. And it's an

12 email from you to, from Mr. Black to you, to Ms.

13 Wrigley.

14 A. And it starts on the second page?

15 Q. I don't think it starts on the

16 second page, at least my copy doesn't.

17 A. You said I wrote this email?

18 Q. No, I said it's from Mr. Black. If

19 I said that, I'm sorry, it's from Mr. Black to

20 you and Ms. Wrigley and Dorothy Dain and Anthony

21 Dain. Did you ever have any conversations with

22 Dorothy Dain?

23 A. On our visits, we spoke casually.

24 Q. Do you remember talking to her

25 about Joanne's care?

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1 Esaun Pinto

2 A. I might have. She might have asked

3 me questions, but this is, I don't know if, I'm

4 pretty sure I only met -- I didn't meet Dorothy

5 until after Joanne was released from the

6 hospital, and Joanne would be present for those

7 meetings.

8 Q. Okay. And here's Mr. Black, he's

9 sending you what Cherie wrote. And she wrote,

10 The team was very close to releasing her without

11 proper supervision. The capital letters AOT.

12 Do you know what that is?

13 A. Yeah, I'm familiar with AOT.

14 Q. What does that mean?

15 A. If my memory serves me correctly,

16 it's where the patient gets released and they

17 have the ability to release a response team in

18 the event that the patient has a problem,

19 something like that. I've heard the term before

20 though.

21 Q. And further Cherie wrote, The truth

22 is she is not legally a danger to herself or

23 others. She has made fantastic progress and

24 they're having a hard time justifying keeping

25 her locked up. Of course Joanne was promising

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1 Esaun Pinto

2 them the moon but she has done that before. I

3 asked them to reconsider some stricter options

4 and in return we would provide housing for

5 Joanne that was more to her liking. A small

6 apartment near the outpatient clinic where she

7 will be attending her program.

8 Do you recall discussing that with

9 Ms. Wrigley?

10 A. Sure.

11 Q. An apartment for Joanne near her

12 outpatient clinic?

13 A. Sure.

14 Q. It looks like Mr. Black wrote to

15 you below after that paragraph, I do not support

16 this approach. I think a move to a halfway

17 house can succeed. A jump beyond that is likely

18 to lead to failure, in my judgement. What will

19 make Joanne show up at an outside program? What

20 will we do when she doesn't?

21 Did you think that was a reasonable

22 suggestion on Mr. Black's part?

23 A. No.

24 Q. Why not?

25 A. He hadn't even seen her yet.

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1 Esaun Pinto

2 Q. Going to a halfway house was not

3 reasonable?

4 A. He hadn't even seen her yet. He

5 hadn't spoken to her, he hadn't seen her, how

6 does he know?

7 Q. Okay. And then on the last

8 paragraph of that email to you and to Ms.

9 Wrigley and to Mr. Dain in the second page Mr.

10 Black writes, Also, part of why I hope that

11 Joanne will be willing in the medium term to

12 move to Chicago is that with supervision from me

13 and Kate living on her own is more likely to

14 succeed. We cannot hope to sustain this in New

15 York away from family.

16 Did you ever discuss with Joanne

17 moving to Chicago?

18 A. Yeah, we talked about it.

19 Q. And by your demeanor, I can tell

20 you didn't think she wanted to do that.

21 A. Her last experience in Chicago

22 wasn't a good one.

23 Q. Did you think it was unreasonable

24 for Mr. Black to want, to help supervise Joanne

25 in Chicago?

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1 Esaun Pinto

2 A. Sure.

3 Q. Why?

4 A. Because he hadn't even seen her.

5 She's been, she spent two years traveling the

6 country and now, what's the date on this?

7 Q. This is September.

8 A. And now another 18 months

9 hospitalized. No, no, no, but he wants to move

10 her into his backyard. He hadn't even seen her,

11 he hadn't spoken to her, he hadn't seen her.

12 MR. SCHAALMAN: Let's take ten

13 minutes. Please mark these.

14 (Five documents were hereby marked

15 as Pinto Exhibits 28-32 for identification,

16 as of this date.)

17 (A recess was taken from 3:32 p.m.

18 until 3:43 p.m.)

19 Q. Mr. Pinto, I am going to double

20 back on a couple more exhibits that I actually

21 should have put earlier but I didn't, so that's

22 my fault, so I apologize for taking them out of

23 order. And that's number? I didn't look at the

24 number.

25 A. Thirty.

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1 Esaun Pinto

2 Q. Thirty, thanks. Exhibit 30 appears

3 to be, Mr. Pinto, an email, starting an email

4 from you to Mr. Black and then a response from

5 Mr. Black.

6 Your email is dated April 9, 2013

7 and the subject is Joanne. And by your first

8 sentence which reads, This is investigator Esaun

9 Pinto suggests to me, is this your first

10 communication with Mr. Black?

11 A. I believe so.

12 Q. In the second paragraph you refer

13 to something you've already testified to. I

14 need a client agreement from you detailing my

15 efforts as well as a \$5,000 retainer. Do you

16 recall whether you received the retainer?

17 A. Yes, I did.

18 Q. And Mr. Black responded to you in

19 the email above on the same day and said, We

20 should talk first. Unfortunately I am totally

21 flat out tomorrow. I can call you on Thursday

22 if that is okay. I think there is zero chance

23 that Joanne will volunteer for treatment.

24 Do you recall having a telephone

25 conversation with Mr. Black before you went out

Page 160

1 Esaun Pinto

2 to retrieve Joanne in Colorado?

3 A. I think so.

4 Q. You don't think you did?

5 A. I think so.

6 Q. How did you receive the retainer?

7 A. I don't remember exactly, and I'm

8 not sure if the initial retainer came from

9 Cherie or Bernard.

10 Q. He wrote, I think there is zero

11 chance that Joanne will volunteer for treatment.

12 Did you agree with that?

13 A. No.

14 Q. And then he wrote, I do want to

15 make sure she has access to funds to cover

16 ordinary living expenses.

17 Based on your first communication

18 to and from Mr. Black, did you form any opinions

19 about him as a brother to Joanne?

20 A. No, I mean, all I can go off of is

21 our correspondence and what Joanne has told me

22 over the years.

23 Q. Mr. Pinto, here's Exhibit 31. This

24 appears, Exhibit 31 to be a continuation of the

25 email string, what looks like Mr. Black is

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1 Esaun Pinto

2 responding to your prior email.

3 A. Okay.

4 Q. That's what it looks like to me.

5 If that doesn't make sense to you and you want

6 to read it more carefully, that's fine, because

7 your email is in Exhibit 30.

8 A. This appears it's missing an email.

9 Q. Well, it's missing the first email.

10 A. On 30?

11 Q. Yes, that's right.

12 A. Okay.

13 Q. Sometimes people do that.

14 A. Got you.

15 Q. They reply to the original email

16 and don't reply to the continued on the string.

17 So the email I want to talk to you about is the

18 top one on 31.

19 A. Sure.

20 Q. And it's from Mr. Black to you and

21 it's copied to Dorothy Dain.

22 A. Right.

23 Q. Do you know why Mr. Black copied

24 Dorothy Dain on this one?

25 A. I have no idea.

<p style="text-align: right;">Page 162</p> <p>1 Esaun Pinto</p> <p>2 Q. He wrote on April 25, 2013, Mr.</p> <p>3 Pinto, I tried to leave my cousin, Cherie</p> <p>4 Wrigley, in charge of your efforts but can no</p> <p>5 longer do so. Every cost estimate she has</p> <p>6 provided to me has been immediately exceeded by</p> <p>7 a large amount. I was told \$5,000, then told a</p> <p>8 few thousand more, then another 10,000. Now I</p> <p>9 have your bill for a total of 30,000, with</p> <p>10 ongoing daily costs far above what my mother's</p> <p>11 estate can sustain in the very short term.</p> <p>12 Did you provide information to Ms.</p> <p>13 Wrigley in which she then increased the amount</p> <p>14 that she was asking Mr. Black to pay?</p> <p>15 A. Sure.</p> <p>16 Q. Do you recall asking for another</p> <p>17 10,000 after the first 5,000 as of April, in</p> <p>18 April 2013?</p> <p>19 A. Sure, I mean, we had no idea when I</p> <p>20 went to see Joanne in Colorado what this thing</p> <p>21 was going to look like, how long it was going to</p> <p>22 go on. There was no long-term plan. So we kind</p> <p>23 of went day-by-day, and my job was to just</p> <p>24 continue to keep Joanne safe and try to convince</p> <p>25 her to check herself in on her own.</p>	<p style="text-align: right;">Page 164</p> <p>1 Esaun Pinto</p> <p>2 As of April 25, 2013, had you</p> <p>3 spoken to Anthony Dain yet?</p> <p>4 A. I don't remember. I don't think</p> <p>5 so, but I'm not sure. I don't remember.</p> <p>6 Q. When Mr. Black wrote that you</p> <p>7 should be speaking to Mr. Dain as the trustee to</p> <p>8 receive funds, do you remember ever doing that?</p> <p>9 A. I don't remember. I mean, I spoke</p> <p>10 to Mr. Dain eventually. I don't know if this is</p> <p>11 the time, I don't really know.</p> <p>12 Q. And then finally he wrote, I will</p> <p>13 pay charges incurred to date. But simply cannot</p> <p>14 operate this way going forward. Going forward I</p> <p>15 need an estimate in advance and we need to bring</p> <p>16 the daily run rate down, way down and way down.</p> <p>17 And then he wrote, Can we arrange a</p> <p>18 time to talk, I will be in my office today and</p> <p>19 then he gave you his phone number. Do you</p> <p>20 remember calling him on April 25, 2013 as he</p> <p>21 asked?</p> <p>22 A. I don't remember that. I'm trying</p> <p>23 to remember the amount of times I spoke to</p> <p>24 Bernard on the phone. It was very rare, and I</p> <p>25 believe the times that I did speak to Bernard on</p>
<p style="text-align: right;">Page 163</p> <p>1 Esaun Pinto</p> <p>2 There were even plans of getting</p> <p>3 Joanne like involved in outpatient programs. So</p> <p>4 we actually attempted to do that a couple of</p> <p>5 times. There were like therapeutic events going</p> <p>6 on in Central Park and in other areas of the</p> <p>7 city that we took her to attend.</p> <p>8 Q. When you were in Denver with Ms.</p> <p>9 Black, did you attempt to check her into a</p> <p>10 hospital out there?</p> <p>11 A. No.</p> <p>12 Q. Or any other psychiatric mental</p> <p>13 health services?</p> <p>14 A. No.</p> <p>15 Q. Your goal was to get her back to</p> <p>16 the New York area?</p> <p>17 A. My goal was to continue to gain her</p> <p>18 trust and keep her safe. I knew Joanne needed</p> <p>19 help, I just wasn't completely sure how to go</p> <p>20 about doing that.</p> <p>21 Q. He also wrote, Also, I am the only</p> <p>22 executor, not the trustee for Joanne, and the</p> <p>23 trustee, my cousin Anthony Dain, has been</p> <p>24 uninvolved. Charges of this level should be</p> <p>25 approved by him, not me.</p>	<p style="text-align: right;">Page 165</p> <p>1 Esaun Pinto</p> <p>2 the phone they were conference calls with</p> <p>3 Cherie.</p> <p>4 Q. Between April 9 when you wrote your</p> <p>5 first email and Mr. Black's email to you on</p> <p>6 April 25, had you already gone to Denver?</p> <p>7 A. Yeah.</p> <p>8 Q. You were out there already?</p> <p>9 A. Yeah.</p> <p>10 Q. Had you returned?</p> <p>11 A. We were, by this time we were back</p> <p>12 in New York already, we were back in the New</p> <p>13 York area.</p> <p>14 Q. Okay. Did you have any idea why</p> <p>15 Mr. Black was concerned about getting estimates</p> <p>16 to pay for care?</p> <p>17 A. Yeah, I mean he put it in the</p> <p>18 email, he said the numbers were big. The</p> <p>19 numbers were big.</p> <p>20 Q. Here's 32, Mr. Pinto. So if we</p> <p>21 look at the bottom two emails, they appear to be</p> <p>22 from you on May 7th, and then the first one</p> <p>23 looks like to Cherie Wrigley on May 3 and the</p> <p>24 subject is revised invoice.</p> <p>25 A. Say that one more time, please.</p>

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1 Esaun Pinto

2 Q. Sure, sure.

3 A. Oh, okay, yes.

4 Q. Actually, there's another original

5 message from Pinto Peggy to Esaun. Pinto Peggy

6 is someone --

7 A. My wife.

8 Q. And the subject was revised

9 invoice. Did she work in the business with you?

10 A. No, but she helped out with some of

11 my clerical stuff.

12 Q. So is it your recollection she

13 helped you revise the invoice?

14 A. Sure. I'm not very techie,

15 computer savvy, so my wife is so she helped me

16 with a lot of that.

17 Q. And I don't see what the email is,

18 but it looks like you sent an email to Cherie

19 Wrigley on May 3rd about a revised invoice. Do

20 you recall if you sent that revised invoice

21 first to Cherie and then later on to Bernard?

22 A. Oh, I don't know.

23 Q. Would there have been a reason to

24 get it to Cherie before you sent it to Bernard?

25 A. No, other than I was communicating

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1 Esaun Pinto

2 with Cherie more.

3 Q. And then on May 7th, it looks like

4 there's an email to you, again, the subject

5 matter being revised invoice from Mr. Bernard

6 Black, saying, Esaun, received. As you know,

7 this is not close to being a sustainable spend

8 rate. What are your plans to bring this down.

9 Did you understand what he meant by spend rate?

10 A. Yeah, yeah.

11 Q. Did you talk to Ms. Wrigley about

12 what she thought was a sustainable spend rate

13 for your services?

14 A. We spoke about the bills being big,

15 yeah.

16 Q. And then you emailed Mr. Black the

17 same day. And you wrote, I have reduced the

18 amount of hours by half which will be reflected

19 in this week's invoice. I also spent more hours

20 with Joanne which I haven't included in the

21 invoice. There also hasn't been any additional

22 cost in the next billing week, so the invoice

23 will be at least 50 percent less than the last.

24 So if I understand what you're

25 saying here is you reduced your number of visits

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1 Esaun Pinto

2 to be billed, but you still continued to visit

3 Joanne?

4 A. No, so what I did was at one point,

5 so the guys that I had working with me for

6 Joanne, the guys that Joanne had known for

7 years, the guys that had been with me for a long

8 time, so when we started to get some push back

9 from Bernard on the invoices, the invoices were

10 big.

11 What I tried to do at one period

12 was, the motel that she was staying at had

13 security. When Joanne went to sleep, I tried to

14 have the hotel security monitor, I gave them my

15 phone numbers, my guys's phone numbers, we

16 parked the patrol vehicle outside of her door.

17 It was one of those motels where

18 people could drive right up to the door. But

19 that didn't work too well, that didn't work too

20 long.

21 Q. She would leave the motel?

22 A. She didn't appreciate somebody

23 other than one of us being there, so it didn't

24 work. And it was a little risky. But at the

25 time when I did that, Joanne seemed to be okay,

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1 Esaun Pinto

2 and she was in her room for a set period of time

3 every night.

4 Joanne goes to bed extremely early,

5 she's in bed seven, 7:30. And then she's up

6 three, four a.m.

7 So I gave it a shot at having the

8 hotel security, and I paid out-of-pocket for

9 this, I paid the guy, listen, take care of my

10 client. I'm going to try this, whatever,

11 whatever and, like I said, it just didn't work.

12 Q. What was Joanne afraid of that she

13 needed security?

14 A. A lot of things. Joanne has a lot

15 of different triggers. Her trigger is any

16 emergency service vehicle, sirens, the lights,

17 the noise, and then throughout this whole course

18 before she gets hospitalized she's afraid of

19 Bernard.

20 Q. What's her response to these lights

21 and noise triggers?

22 A. She needs to go hide.

23 Q. And in this time period 2013, if

24 she has somebody that she trusts there, she

25 feels better?

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1 Esaun Pinto
2 A. Absolutely.
3 (Two email chains were hereby
4 marked as Pinto Exhibits 33 and 34 for
5 identification, as of this date.)
6 Q. Home stretch, Mr. Pinto. I
7 appreciate your patience.
8 A. I was hoping to come back tomorrow.
9 Q. If you'd like to come back, I
10 invite you. I think that's Exhibit 33.
11 A. Yes.
12 Q. But if you come back, you can't
13 bring Robert or Andrew.
14 A. Oh, wow.
15 MR. FANTONE: What number is this?
16 MR. SCHAALMAN: 33.
17 Q. Mr. Pinto, if you would look at the
18 second page of Exhibit 33.
19 A. The second page?
20 Q. Yes, sir. I'm now looking at, we
21 already talked about the first two emails. I'm
22 now looking at April 10, 2013 from Cherie
23 Wrigley to Bernard Black. I realize you're not
24 a recipient of that email, so I'm only going to
25 ask you a general question.

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1 Esaun Pinto
2 A. Sure.
3 Q. Cherie writes, Ms. Wrigley writes,
4 Bernie, I have already wired him the money. You
5 authorized 5,000. I talked to the family
6 including Tony. We all saw no down side. What
7 is the hold up? You can pay me back soon! She
8 is so troubled. Do you recall that you had the
9 money wired to you?
10 A. That's what I just mentioned a
11 minute ago, I didn't know if the initial payment
12 was paid by Bernard or Cherie.
13 Q. Let's go on to 34. So this is an
14 email, Mr. Pinto, from you to Cherie Wrigley
15 dated April 16, 2013.
16 A. Right.
17 Q. And you write, Hey Cherie, I would
18 just like to say that this has been an
19 adventure, exciting and difficult. Joanne has
20 shown progress and has been somewhat open to my
21 criticism. I am truly trying my best to edge
22 her into getting the much needed help she
23 requires. Hopefully our journey to New York
24 will go event free and we can get there safely.
25 So did you start out for New York

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1 Esaun Pinto
2 on the next day on the 17th or 18th of April?
3 A. Somewhere around there.
4 Q. So then you list the expenses that
5 you wanted to be reimbursed for.
6 A. Sure.
7 Q. Okay, let's go in a little
8 different direction. Here's Exhibit 28. This
9 is an email from Pam Kerr to Cherie Wrigley and
10 Bernard Black, dated May 18, 2015. Have you
11 ever seen this before?
12 A. I don't think so.
13 Q. Do you know who Pamela Kerr is?
14 A. Yes, I do.
15 Q. Have you spoken to her on the
16 telephone?
17 A. I've spoken to her. I don't
18 remember if it was on the phone, but I met
19 Pamela.
20 Q. Where did you meet Pam Kerr the
21 first time?
22 A. I believe Ira's office, I think.
23 Q. Mr. Salzman's office?
24 A. I think so, or a hotel room. I
25 don't really remember, but I met her before.

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1 Esaun Pinto
2 Q. Do you remember what year that was?
3 A. Oh, I don't know.
4 Q. Did Ms. Wrigley ever share the
5 substance of this email with you?
6 A. Yeah, this was discussed, yeah.
7 Q. What did she say to you about this,
8 the subject of overpayment?
9 A. Yeah, she said that they believed
10 there was, that I was overpaid, and they were
11 questioning any expenses and things of that
12 nature, yeah. Requesting receipts and things of
13 that nature, sure.
14 Q. What did she say to you besides
15 that that was going on, did she have an opinion,
16 whether it was legitimate or correct?
17 A. I don't remember her giving me an
18 opinion of it.
19 Q. In addition, did she tell you, if
20 you look at the third paragraph, Pam Kerr wrote,
21 I would absolutely dispute some of the charges,
22 especially the two weeks before Joanne's
23 hospitalization and a flat fee of \$8,000 a
24 month.
25 Did Ms. Wrigley share that with

Page 174

1 Esaun Pinto
2 you, that Pam Kerr was disputing your \$8,000 a
3 month?
4 A. I don't remember. No, I don't
5 recall that.
6 Q. And there's a bullet point below.
7 As you can see, based on the invoices provided
8 by Esaun, the total charges from April 13, 2013
9 through October 31, 2014 is \$258,350. Is that
10 number correct?
11 A. I don't know.
12 Q. Is it in the ballpark?
13 A. It probably is.
14 Q. As of May 18, 2015, were you still
15 providing services to Joanne?
16 A. In May, yes.
17 Q. When was the last time you provided
18 services to her?
19 A. I never stop providing services for
20 Joanne.
21 Q. And I realize you have a special
22 sort of relationship. I should have asked it
23 this way. When was the last time, if ever, that
24 you have stopped providing services for which
25 you were compensated?

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1 Esaun Pinto
2 A. That's a mixed question. What do
3 you mean by that, compensated financially?
4 Q. Financially.
5 A. From who?
6 Q. From anyone.
7 A. I still am.
8 Q. Okay. And currently you're being
9 paid for your services to Joanne?
10 A. Yes.
11 Q. Who is paying that?
12 A. Joanne.
13 Q. Jeanette Goodwin?
14 A. Yes.
15 Q. And are you being paid for weekly
16 visits?
17 A. She sends me \$1,000 a month.
18 Q. \$1,000 a month, and that's to cover
19 what?
20 A. Whatever I do with Joanne. There
21 was no set visitation or compensation.
22 Q. I assume this is something that
23 Joanne requested that you continue to be part of
24 her life?
25 A. I have a contract with Joanne.

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1 Esaun Pinto
2 Q. Okay.
3 A. That's for \$6,000 a month. That
4 number was reduced by the courts in Colorado to
5 \$1,000 a month, and I believe they put it under
6 the category of companionship, and that's what
7 was allowed for companionship.
8 Q. So initially Joanne agreed to pay
9 you \$6,000 a month for your services that you'd
10 been providing?
11 A. Yes.
12 Q. When was that contract between you
13 and Joanne written or signed, rather signed?
14 A. I don't remember exactly, but I
15 believe sometime in 2015.
16 Q. Would it have been after then this
17 email from Pamela Kerr?
18 A. This email was sent May 18th. It's
19 got to be right around that.
20 Q. Right around that time?
21 A. Yes.
22 Q. And do you recall how you were
23 being paid, where the money was coming from for
24 that contract that you had with Joanne?
25 A. I was being paid by Cherie for a

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1 Esaun Pinto
2 period of time.
3 Q. Do you know when you had had the
4 contract with Joanne, was Cherie paying?
5 A. No, I believe at that point I was
6 being paid by Melissa Schwartz.
7 Q. Here's Exhibit 29. Exhibit 29 is a
8 spreadsheet prepared by, I'll tell you what I
9 think it is, prepared by Pamela Kerr and it was,
10 I think, attached to Exhibit 28. If you look
11 there's a line that says attachment, schedule of
12 Esaun Pinto's invoices and payments made.
13 A. Right.
14 Q. I think this is what Pam Kerr sent
15 to Cherie Wrigley, Bernard Black, Lisa DiPonio,
16 Carl Gladstein and Nancy Peterson. Did Cherie
17 Wrigley share this exhibit with you?
18 A. I don't believe Cherie did. I've
19 seen it before. I don't remember where I saw
20 it, but I saw it.
21 Q. Did you ever resolve, to your
22 satisfaction, the question of whether you were
23 overpaid by \$41,000?
24 A. Did I resolve it with who?
25 Q. Anyone.

<p style="text-align: right;">Page 178</p> <p>1 Esaun Pinto</p> <p>2 A. I resolved it with myself.</p> <p>3 Q. What was --</p> <p>4 A. I was not overpaid.</p> <p>5 Q. So you didn't return any moneys --</p> <p>6 A. No.</p> <p>7 Q. -- to anyone?</p> <p>8 A. No.</p> <p>9 Q. Mr. Pinto, when was the first time</p> <p>10 that you retained -- I'm not asking who or what</p> <p>11 was said -- but when was the first time you</p> <p>12 retained counsel in this lawsuit? I'm looking</p> <p>13 for a year or a month.</p> <p>14 A. I don't remember. Bobby and Andrew</p> <p>15 were the only counsel that I had. Excuse me.</p> <p>16 That's not right. We did have an attorney</p> <p>17 before that and his name was --</p> <p>18 Q. Was it Waterston?</p> <p>19 A. Waterston, yes.</p> <p>20 Q. When you retained Mr. Waterston,</p> <p>21 did you meet with him?</p> <p>22 A. Yes.</p> <p>23 Q. Was Ms. Wrigley along with you when</p> <p>24 you retained him?</p> <p>25 A. The first meeting, I don't think</p>	<p style="text-align: right;">Page 180</p> <p>1 Esaun Pinto</p> <p>2 MR. FANTONE: Well, I have reason</p> <p>3 to believe that Ms. Wrigley initiated these</p> <p>4 conversations upon advice of other counsel,</p> <p>5 so it could be attorney-client or work</p> <p>6 product.</p> <p>7 Q. Did Ms. Wrigley tell you that her</p> <p>8 communications with you about hiring a lawyer</p> <p>9 were confidential?</p> <p>10 A. I don't even remember. When and</p> <p>11 where and how those conversations were, I don't</p> <p>12 remember.</p> <p>13 Q. You do remember they took place</p> <p>14 before you went to see Mr. Waterston?</p> <p>15 A. Sure.</p> <p>16 Q. So if we knew when your first visit</p> <p>17 with Mr. Waterston was, at least we could date</p> <p>18 that?</p> <p>19 A. Sure.</p> <p>20 Q. Approximately that conversation?</p> <p>21 A. Sure, I just don't remember when</p> <p>22 that was.</p> <p>23 Q. Was it sometime in 2016?</p> <p>24 A. Possibly.</p> <p>25 Q. That's when the lawsuit --</p>
<p style="text-align: right;">Page 179</p> <p>1 Esaun Pinto</p> <p>2 she was.</p> <p>3 Q. And did you and Ms. Wrigley have</p> <p>4 any conversation before that meeting that you</p> <p>5 had with Mr. Waterston about retaining joint</p> <p>6 counsel?</p> <p>7 A. Yes.</p> <p>8 Q. And what was said at that meeting?</p> <p>9 A. That we needed an attorney. The</p> <p>10 detail of the conversation, I don't really</p> <p>11 remember.</p> <p>12 Q. Do you remember why you decided to</p> <p>13 hire the same lawyer?</p> <p>14 MR. FANTONE: I'm going to object</p> <p>15 and direct him not to answer.</p> <p>16 MR. SCHAAALMAN: On what basis, Mr.</p> <p>17 Fantone?</p> <p>18 MR. FANTONE: They're having a</p> <p>19 conversation about anticipation of</p> <p>20 litigation or actually litigation that had</p> <p>21 already instituted to which they're both</p> <p>22 defendants.</p> <p>23 MR. SCHAAALMAN: And what's the</p> <p>24 privilege that attaches to two defendants</p> <p>25 talking about litigation?</p>	<p style="text-align: right;">Page 181</p> <p>1 Esaun Pinto</p> <p>2 A. I actually was thinking '15, but</p> <p>3 maybe it was '16.</p> <p>4 Q. The lawsuit was filed in March of</p> <p>5 2016.</p> <p>6 A. Okay.</p> <p>7 Q. So your conversation with Mr.</p> <p>8 Waterston would have been after that date. Did</p> <p>9 you talk to Mr. Dain about retaining counsel?</p> <p>10 A. I might have, I don't remember.</p> <p>11 Q. When you decided to retain counsel</p> <p>12 with Ms. Wrigley, did you enter into any</p> <p>13 agreements with Ms. Wrigley?</p> <p>14 A. As far as what?</p> <p>15 Q. As far as your counsel, as far as</p> <p>16 communications with your counsel, any agreements</p> <p>17 whatsoever, either orally or in writing.</p> <p>18 A. I don't think so. I don't know. I</p> <p>19 don't completely understand what you're saying.</p> <p>20 Q. At some point you testified just</p> <p>21 now that you had a conversation with Ms. Wrigley</p> <p>22 about retaining counsel.</p> <p>23 A. Right.</p> <p>24 Q. Right, and you told me you don't</p> <p>25 really remember much about the substance of that</p>

<p style="text-align: right;">Page 182</p> <p>1 Esaun Pinto</p> <p>2 conversation.</p> <p>3 A. Right.</p> <p>4 Q. And then you met with Mr.</p> <p>5 Waterston. And I think you've testified that</p> <p>6 you met with Mr. Waterston alone without Ms.</p> <p>7 Wrigley.</p> <p>8 A. I believe the first meeting was by</p> <p>9 myself.</p> <p>10 Q. And then was there a subsequent</p> <p>11 visit with Mr. Waterston where you and Ms.</p> <p>12 Wrigley were both there?</p> <p>13 A. Sure.</p> <p>14 Q. And as a result of your decision to</p> <p>15 retain the same lawyer, did you reach any</p> <p>16 agreement with Ms. Wrigley about retaining the</p> <p>17 same lawyer?</p> <p>18 MR. FANTONE: I'm going to object</p> <p>19 to form.</p> <p>20 A. If we decided to use the same</p> <p>21 lawyer, was there an agreement other than</p> <p>22 agreeing to use the same attorney?</p> <p>23 Q. Yes.</p> <p>24 A. No.</p> <p>25 Q. Did Ms. Wrigley ever discuss with</p>	<p style="text-align: right;">Page 184</p> <p>1 Esaun Pinto</p> <p>2 interest agreement?</p> <p>3 A. Not that I'm aware of.</p> <p>4 MR. FANTONE: Object to form. You</p> <p>5 know that I signed that agreement on his</p> <p>6 behalf.</p> <p>7 MR. SCHAALMAN: I'm not sure that</p> <p>8 is enough though. I'm still able to ask</p> <p>9 the question.</p> <p>10 Q. Did anyone ever explain to you what</p> <p>11 a joint defense and common interest was?</p> <p>12 MR. FANTONE: Objection.</p> <p>13 Q. Just a yes or no.</p> <p>14 MR. FANTONE: Don't disclose any</p> <p>15 legal advice that you may have received</p> <p>16 from an attorney. You can answer yes or no</p> <p>17 if you recall.</p> <p>18 A. I don't recall.</p> <p>19 Q. Has Mr. Salzman ever given you</p> <p>20 legal advice?</p> <p>21 MR. KATZ: Objection to form.</p> <p>22 THE WITNESS: Do I answer that?</p> <p>23 MR. KATZ: I mean, hey, Bob, I'm</p> <p>24 going to caution the witness because I</p> <p>25 think the question is getting into the</p>
<p style="text-align: right;">Page 183</p> <p>1 Esaun Pinto</p> <p>2 you a common interest or joint defense?</p> <p>3 MR. KATZ: Objection to the form.</p> <p>4 MR. FANTONE: Object to form.</p> <p>5 THE WITNESS: Do I answer?</p> <p>6 MR. FANTONE: You can answer.</p> <p>7 A. Say it again.</p> <p>8 Q. Did Ms. Wrigley ever discuss with</p> <p>9 you a common interest or joint defense?</p> <p>10 MR. KATZ: Same objection.</p> <p>11 A. In regards to, yeah, I've come here</p> <p>12 to tell the truth. There was no scheme on how</p> <p>13 to get, it was just --</p> <p>14 Q. I don't mean to suggest there was a</p> <p>15 scheme. Those are words of art that --</p> <p>16 A. I answered your question. I came</p> <p>17 here to tell the truth.</p> <p>18 Q. Of course.</p> <p>19 A. Cherie's theory was when they hear</p> <p>20 your story and they understand what happened,</p> <p>21 this will all go away. The only problem with</p> <p>22 this whole thing is that your client never</p> <p>23 wanted to show up and I begged him to.</p> <p>24 Q. I understand. Did you ever sign an</p> <p>25 agreement called a joint defense or common</p>	<p style="text-align: right;">Page 185</p> <p>1 Esaun Pinto</p> <p>2 issue of common interest and joint defense</p> <p>3 that has been raised in this case.</p> <p>4 MR. FANTONE: What's the question?</p> <p>5 MR. KATZ: Do you want to repeat</p> <p>6 it?</p> <p>7 MR. FANTONE: Sure, I think I heard</p> <p>8 it, but you can repeat it.</p> <p>9 MR. DAIN: I'm also going to object</p> <p>10 because it requires a legal conclusion.</p> <p>11 MR. KATZ: I'll going in that</p> <p>12 objection as well.</p> <p>13 MS. HOSKINSON: I join.</p> <p>14 MR. FANTONE: Join.</p> <p>15 (The record was read.)</p> <p>16 THE WITNESS: Do I answer the</p> <p>17 question?</p> <p>18 MR. FANTONE: Do not detail any</p> <p>19 legal advice that Mr. Salzman has given</p> <p>20 you.</p> <p>21 A. Not that I remember.</p> <p>22 Q. Thank you. It's just a yes or no.</p> <p>23 A. Not that I remember.</p> <p>24 Q. Has Mr. Dain ever given you legal</p> <p>25 advice?</p>

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1 Esaun Pinto
2 A. Not that I recall.
3 MR. DAIN: That requires a legal
4 conclusion. I also object to the common
5 interest agreement.
6 MR. KATZ: I join in those
7 objections.
8 MR. FANTONE: We'll join.
9 Q. Mr. Pinto, you have been the
10 recipient of numerous emails from a variety of
11 parties to the Colorado affair, to this case and
12 to other cases, do you recall that?
13 MR. KATZ: Objection to form.
14 Q. A form objection just means that he
15 doesn't like my question.
16 A. I've gotten many emails, sure.
17 Q. On those emails, have Mr. Dain, Ms.
18 Wrigley, Mr. Salzman, Ms. Kerr, have they been
19 on some of those emails you received?
20 A. I'm sure.
21 Q. When you've received those emails,
22 did any of those individuals tell you that you
23 needed to keep those emails confidential?
24 A. I don't read them unless my counsel
25 requires me, I don't even read it.

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1 Esaun Pinto
2 Q. So you receive them?
3 A. I've received plenty of emails.
4 Q. I know that you received many
5 emails with those people and others on them. Is
6 it your testimony that every time you received
7 one of those emails you communicate with Mr.
8 Fantone or Mr. Mancilla?
9 A. I try not to read any of this
10 stuff.
11 Q. Do you know why people have
12 included you on those emails?
13 A. If I have an issue with the case, I
14 call my attorneys and they fill me in. If I
15 need to read something and I didn't pay
16 attention to something, then I'll do that. This
17 circus is going on for so long, I tried to avoid
18 reading emails.
19 Q. When you retained Mr. Waterston,
20 did he ever discuss with you joint defense and
21 common interest?
22 MR. FANTONE: Object, don't answer
23 that.
24 Q. You don't have to tell me what he
25 said, just the subject.

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1 Esaun Pinto
2 A. I don't remember.
3 MR. FANTONE: No, you don't have to
4 answer that. He already answered it.
5 MR. SCHAALMAN: Okay, let's take
6 five minutes. I think I'm very near the
7 end, and I want to just make sure I haven't
8 lost some email in my pile. Let's go off
9 the record.
10 (A recess was taken from 4:29 p.m.
11 until 4:36 p.m.)
12 Q. Mr. Pinto, in 2015, did you have
13 any conversations with Ms. Wrigley about the
14 proceedings in the Probate Court in Colorado?
15 A. I believe it came up, yeah.
16 Q. And when do you recall your first
17 conversation with Ms. Wrigley about the probate
18 proceedings in Colorado?
19 A. Oh, I don't know. When?
20 Q. When, can you give me a season, a
21 month?
22 A. I have no idea.
23 Q. Would you agree that it took place
24 sometime in 2015, can we agree on that?
25 A. It's possible.

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1 Esaun Pinto
2 Q. What was the nature of the
3 conversation, what was talked about?
4 A. Oh, I don't know.
5 Q. You don't know?
6 A. No, I don't.
7 Q. You don't recall?
8 A. No.
9 Q. Did Ms. Wrigley ask you to provide
10 any services in connection with the proceedings
11 in Colorado?
12 A. Services like what?
13 Q. Any assistance of any kind.
14 A. Not that I can recall.
15 Q. Did you meet with Mr. Dain about
16 the Colorado proceedings?
17 A. I don't know, I met Mr. Dain a few
18 times. I don't know if we specifically met
19 about the Colorado proceedings.
20 Q. What did you know about the
21 Colorado Probate Court proceedings that were
22 going on in 2015?
23 A. I know there was a bunch of things
24 going on in Colorado, but I didn't pay much
25 attention to the details. It really didn't have

<p style="text-align: right;">Page 190</p> <p>1 Esaun Pinto</p> <p>2 much to do with me at the time.</p> <p>3 Q. Did you travel to Colorado for any</p> <p>4 meetings relating to the case?</p> <p>5 A. Uh-uh.</p> <p>6 MR. KATZ: You have to answer</p> <p>7 verbally.</p> <p>8 A. No.</p> <p>9 Q. In 2016 there was a proceeding</p> <p>10 involving the guardianship for Joanne, do you</p> <p>11 recall that?</p> <p>12 A. Where?</p> <p>13 Q. In Richmond County, New York.</p> <p>14 A. Sure.</p> <p>15 Q. How were you made aware of that,</p> <p>16 how did you learn about it?</p> <p>17 A. Probably from Cherie.</p> <p>18 Q. What do you recall she told you?</p> <p>19 A. I don't remember, but at the time I</p> <p>20 was escorting Joanne to Ira's office, so I was</p> <p>21 aware of a lot of stuff that was going on. I</p> <p>22 testified to that, I believe.</p> <p>23 Q. Did you sit in on meetings at Mr.</p> <p>24 Salzman's office when you were escorting Joanne?</p> <p>25 A. Some of them.</p>	<p style="text-align: right;">Page 192</p> <p>1 Esaun Pinto</p> <p>2 MR. KATZ: Objection, I'm going to</p> <p>3 object on the same basis I objected before.</p> <p>4 MS. HOSKINSON: Join.</p> <p>5 MR. FANTONE: The common interest.</p> <p>6 THE WITNESS: Do I answer the</p> <p>7 question?</p> <p>8 MR. FANTONE: I mean, I think this</p> <p>9 is documented in the court papers already,</p> <p>10 so I'll join in the objection, but you can</p> <p>11 answer the question.</p> <p>12 A. Most of the time it was Cherie.</p> <p>13 Q. And the other time when it wasn't</p> <p>14 most of the time?</p> <p>15 A. She didn't want a guardian at all.</p> <p>16 Q. And you talked to Joanne after the</p> <p>17 guardian proceedings were finished?</p> <p>18 MR. FANTONE: Object to form.</p> <p>19 A. Did I speak to her, I still speak</p> <p>20 to her.</p> <p>21 Q. Did you talk to her about the fact</p> <p>22 that she wasn't going to have a guardian?</p> <p>23 A. Yeah.</p> <p>24 Q. Was she pleased by that?</p> <p>25 A. Yeah, yes.</p>
<p style="text-align: right;">Page 191</p> <p>1 Esaun Pinto</p> <p>2 Q. What do you recall was the subject</p> <p>3 of those meetings?</p> <p>4 MR. KATZ: I'm just going to</p> <p>5 caution with the question because I think</p> <p>6 you're delving into common interest issues</p> <p>7 that we've raised throughout the</p> <p>8 litigation.</p> <p>9 So to the extent that you're asking</p> <p>10 questions about the substance of these</p> <p>11 meetings, I think that's protected under</p> <p>12 the common interest doctrine.</p> <p>13 THE WITNESS: Do I answer?</p> <p>14 MR. FANTONE: Just answer the</p> <p>15 question, but don't talk about specifically</p> <p>16 what was the substance of the</p> <p>17 conversations.</p> <p>18 Q. Just what were the meetings about,</p> <p>19 that's my first question.</p> <p>20 A. About how she was doing, about who</p> <p>21 she wanted as guardian, where she wanted to</p> <p>22 live, what did she expect the rest of her life</p> <p>23 to be like.</p> <p>24 Q. Who did Joanne want to be her</p> <p>25 guardian?</p>	<p style="text-align: right;">Page 193</p> <p>1 Esaun Pinto</p> <p>2 Q. Did you ever have a conversation</p> <p>3 with Cherie Wrigley where she told you that she</p> <p>4 thought Bernard Black was stealing money from</p> <p>5 his sister?</p> <p>6 A. Yeah, sure.</p> <p>7 Q. What did she say about that?</p> <p>8 A. I don't remember the details of the</p> <p>9 conversations.</p> <p>10 Q. Can you remember in general what</p> <p>11 the conversation was?</p> <p>12 A. Yeah, the conversation was about</p> <p>13 Bernard stealing Joanne's inheritance. How, I</p> <p>14 didn't pay attention to the details.</p> <p>15 Q. Can you give me a year in which</p> <p>16 that conversation took place?</p> <p>17 A. I don't know, it had to be when the</p> <p>18 litigation started.</p> <p>19 Q. Do you recall any conversations</p> <p>20 with Mr. Salzman about claims that Bernard Black</p> <p>21 had stolen inheritance from Joanne?</p> <p>22 MR. KATZ: I'm going to object</p> <p>23 again on the basis of common interest.</p> <p>24 MR. FANTONE: Don't answer that.</p> <p>25 MS. HOSKINSON: I join.</p>

<p style="text-align: right;">Page 194</p> <p>1 Esaun Pinto</p> <p>2 MR. FANTONE: That's Joanne's</p> <p>3 privilege. That's a conversation between</p> <p>4 her and her attorney.</p> <p>5 Q. Did you have any conversations with</p> <p>6 Mr. Black outside of Joanne Black -- I'm sorry,</p> <p>7 did you have any conversations with Mr. Salzman</p> <p>8 outside the presence of Joanne Black about his</p> <p>9 views that Mr. Bernard Black had stolen an</p> <p>10 inheritance from Joanne?</p> <p>11 A. Not that I recall.</p> <p>12 Q. Did you have any conversations with</p> <p>13 Mr. Salzman outside the presence of Joanne</p> <p>14 Black?</p> <p>15 A. In regards to this case or this --</p> <p>16 Q. In regards to anything.</p> <p>17 A. Yes, we talked about other things.</p> <p>18 Q. Other things related to the</p> <p>19 litigation in Colorado?</p> <p>20 A. No.</p> <p>21 Q. Things related to this case, this</p> <p>22 litigation?</p> <p>23 A. No.</p> <p>24 Q. To other matters totally unrelated?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 196</p> <p>1 Esaun Pinto</p> <p>2 MR. FANTONE: Objection. Can you</p> <p>3 put a time frame on that?</p> <p>4 Q. Sure, let's say from October 1,</p> <p>5 2015 through March 25, 2016.</p> <p>6 MR. FANTONE: No, don't answer.</p> <p>7 Q. So five months, six months.</p> <p>8 MR. FANTONE: Don't answer it. She</p> <p>9 was representing Cherie Wrigley at the</p> <p>10 time.</p> <p>11 Q. Did you have any conversations with</p> <p>12 Ms. Cohenson outside the presence of Ms.</p> <p>13 Wrigley?</p> <p>14 MR. FANTONE: You can answer that.</p> <p>15 Don't say what they were.</p> <p>16 A. Sure.</p> <p>17 Q. Were those conversations about the</p> <p>18 guardianship matter?</p> <p>19 A. No.</p> <p>20 Q. Were they about the Colorado</p> <p>21 Probate Court matter?</p> <p>22 A. No.</p> <p>23 Q. Were they about this case?</p> <p>24 A. No.</p> <p>25 Q. They were not about legal matters?</p>
<p style="text-align: right;">Page 195</p> <p>1 Esaun Pinto</p> <p>2 Q. Was Mr. Salzman your attorney?</p> <p>3 A. No.</p> <p>4 Q. Were you talking to him about legal</p> <p>5 matters?</p> <p>6 A. No.</p> <p>7 Q. Did you ever speak to Pam Kerr</p> <p>8 about her view that Mr. Bernard Black was</p> <p>9 stealing the inheritance from his sister Joanne?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Were you angry that Ms. Kerr had</p> <p>12 written this email in a spreadsheet in which she</p> <p>13 concluded that you had been overpaid by \$41,000?</p> <p>14 A. No.</p> <p>15 Q. Did you ever have a conversation</p> <p>16 with Melissa Cohenson?</p> <p>17 A. I met her a few times, yeah.</p> <p>18 Q. Did you have a conversation with</p> <p>19 Melissa Cohenson outside the presence of Joanne</p> <p>20 Black?</p> <p>21 A. Sure.</p> <p>22 Q. Did she ever tell that you she</p> <p>23 believed that Bernard Black had stolen Joanne</p> <p>24 Black's inheritance?</p> <p>25 MS. HOSKINSON: Objection.</p>	<p style="text-align: right;">Page 197</p> <p>1 Esaun Pinto</p> <p>2 A. They were about other matters, not</p> <p>3 involving this case.</p> <p>4 Q. Okay, thank you. Was Ms. Cohenson</p> <p>5 of your attorney, did you ever retain her?</p> <p>6 A. No.</p> <p>7 Q. Did you have conversations with</p> <p>8 Gayle Young about the guardianship matter in</p> <p>9 Richmond County, New York?</p> <p>10 A. Not that I can recall.</p> <p>11 Q. How about Lisa DiPonio?</p> <p>12 A. Not that I can remember.</p> <p>13 Q. Did you have conversations with</p> <p>14 Gayle Young about the Colorado Probate Court</p> <p>15 matter?</p> <p>16 A. Not that I can remember.</p> <p>17 Q. And how about Lisa DiPonio, did you</p> <p>18 have conversations with her about the Colorado</p> <p>19 Probate Court matter?</p> <p>20 A. Not that I can recall, no.</p> <p>21 Q. Do you remember a man by the name</p> <p>22 of Bart Russo?</p> <p>23 A. The name rings a bell.</p> <p>24 Q. Did you have any conversations with</p> <p>25 Mr. Russo outside the presence of Mr. Salzman?</p>

<p style="text-align: right;">Page 198</p> <p>1 Esaun Pinto</p> <p>2 A. It would help if I remembered who</p> <p>3 he was. The name sounds familiar, but I don't</p> <p>4 remember who he was.</p> <p>5 Q. I'm just going through an inventory</p> <p>6 of names as you can tell.</p> <p>7 Did you ever have a conversation</p> <p>8 with Pamela Kerr about a letter that she wrote</p> <p>9 to Northwestern University?</p> <p>10 A. No, not that I recall.</p> <p>11 Q. Did you ever have a conversation</p> <p>12 with Cherie Wrigley about complaints that she</p> <p>13 filed on the Northwestern University EthicsPoint</p> <p>14 system?</p> <p>15 A. I heard about it after the fact,</p> <p>16 yeah.</p> <p>17 Q. How did you hear about it?</p> <p>18 A. Cherie.</p> <p>19 Q. What did she tell you?</p> <p>20 A. She told me that something happened</p> <p>21 with Northwestern, and the attorneys were mad at</p> <p>22 her, something to that effect.</p> <p>23 Q. When did you have that</p> <p>24 conversation?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 200</p> <p>1 Esaun Pinto</p> <p>2 MR. SCHAALMAN: Thank you, that's</p> <p>3 all I have. I do reserve the right after</p> <p>4 I've reviewed these documents that I may</p> <p>5 have some additional questions since I</p> <p>6 didn't get these until, they were sent last</p> <p>7 night but I didn't get them until today.</p> <p>8 Q. I should ask you about these</p> <p>9 documents. Did you search your computers for</p> <p>10 the documents that your lawyers produced today?</p> <p>11 A. Yeah, sure.</p> <p>12 Q. And that's how the documents got to</p> <p>13 your lawyers through your searching your</p> <p>14 computers?</p> <p>15 A. These documents were produced a</p> <p>16 number of times. I produced these documents a</p> <p>17 few times.</p> <p>18 Q. That is the ones marked Pinto EDNY</p> <p>19 one through --</p> <p>20 A. I don't know what they're marked.</p> <p>21 MR. FANTONE: Produced to whom?</p> <p>22 Q. -- 94.</p> <p>23 A. I know I produced them a number of</p> <p>24 times.</p> <p>25 MR. FANTONE: In this litigation?</p>
<p style="text-align: right;">Page 199</p> <p>1 Esaun Pinto</p> <p>2 Q. Would that have been sometime in</p> <p>3 2016?</p> <p>4 A. I have no idea. I don't know.</p> <p>5 Q. Are there any documents that you</p> <p>6 know or that are in your possession that would</p> <p>7 refresh your recollection on that?</p> <p>8 A. Not that I know of.</p> <p>9 Q. Do you know why she told you about</p> <p>10 that?</p> <p>11 MR. FANTONE: Objection, form. You</p> <p>12 can answer.</p> <p>13 A. I guess she was concerned about it.</p> <p>14 I don't really know.</p> <p>15 Q. Did you give her any advice after</p> <p>16 she told you that she had filed these complaints</p> <p>17 at Northwestern University?</p> <p>18 A. No.</p> <p>19 Q. Did Melissa Cohenson tell you that</p> <p>20 she had contacted Northwestern University to</p> <p>21 complain about Bernard Black and his wife</p> <p>22 Katherine Black?</p> <p>23 A. Did Melissa?</p> <p>24 Q. Yes.</p> <p>25 A. I wasn't aware of that.</p>	<p style="text-align: right;">Page 201</p> <p>1 Esaun Pinto</p> <p>2 THE WITNESS: No, I think, I</p> <p>3 believe I sent those documents to Pam Kerr</p> <p>4 as well.</p> <p>5 Q. Would that have been after the May</p> <p>6 18, 2015 letter where she was stating that you</p> <p>7 had been overpaid by \$41,000?</p> <p>8 A. I don't know if it was before or</p> <p>9 after.</p> <p>10 MR. FANTONE: I object to your</p> <p>11 reservation to ask more questions since</p> <p>12 every single one of those emails Bernard</p> <p>13 Black is a party to who is your client in</p> <p>14 one of these actions.</p> <p>15 MR. SCHAALMAN: Okay, I don't know</p> <p>16 what the basis of that is, but that's fine,</p> <p>17 you can object.</p> <p>18 MR. FANTONE: Meaning you already</p> <p>19 had them.</p> <p>20 MR. SCHAALMAN: Maybe.</p> <p>21 MR. FANTONE: They're in the</p> <p>22 possession of you or your client.</p> <p>23 MR. SCHAALMAN: Perhaps. Since I</p> <p>24 haven't had a chance to go through them, I</p> <p>25 can't respond, Mr. Fantone, you may be</p>

<p style="text-align: right;">Page 202</p> <p>1 Esaun Pinto</p> <p>2 right, you may not be right.</p> <p>3 Thank you, Mr. Pinto, I appreciate</p> <p>4 your time.</p> <p>5 EXAMINATION BY</p> <p>6 MR. KATZ:</p> <p>7 Q. Mr. Pinto, my name is Harris Katz.</p> <p>8 We met a little earlier today. My firm</p> <p>9 represents Ira Salzman in connection with this</p> <p>10 case. I just have a few brief questions.</p> <p>11 The plaintiffs in this case are</p> <p>12 alleging that you were convicted at some point</p> <p>13 or pled guilty to a felony, and that you</p> <p>14 testified falsely in the New York guardianship</p> <p>15 proceeding about that. Have you ever been --</p> <p>16 MR. KATZ: Strike that.</p> <p>17 Q. Have you ever pled guilty to a</p> <p>18 felony?</p> <p>19 A. No.</p> <p>20 Q. Have you ever been convicted of a</p> <p>21 felony?</p> <p>22 A. No.</p> <p>23 Q. I'm just going to have the court</p> <p>24 reporter mark this document.)</p> <p>25 (6/26/09 Presentence Report for</p>	<p style="text-align: right;">Page 204</p> <p>1 Esaun Pinto</p> <p>2 Q. And when you testified in that</p> <p>3 proceeding about that, did you testify</p> <p>4 completely truthfully and accurately about your</p> <p>5 criminal record?</p> <p>6 A. Yes, I believe I even produced a</p> <p>7 document.</p> <p>8 Q. So any allegation in this case that</p> <p>9 the plaintiffs are making that you either pled</p> <p>10 guilty to a felony or were convicted of a felony</p> <p>11 and testified falsely in the New York</p> <p>12 guardianship proceeding would be inaccurate,</p> <p>13 correct?</p> <p>14 A. Absolutely.</p> <p>15 Q. So I think much earlier in your</p> <p>16 testimony today you had indicated that when you</p> <p>17 first went out to Colorado that someone had</p> <p>18 instructed you to do some video surveillance?</p> <p>19 A. Sure.</p> <p>20 Q. Who had instructed you to do that?</p> <p>21 A. I believe it was a conversation</p> <p>22 between Cherie and I.</p> <p>23 Q. And did you undertake video</p> <p>24 surveillance of her?</p> <p>25 A. Sure.</p>
<p style="text-align: right;">Page 203</p> <p>1 Esaun Pinto</p> <p>2 Esaun G. Pinto, Sr. was hereby marked as</p> <p>3 Pinto Exhibit 35 for identification, as of</p> <p>4 this date.)</p> <p>5 Q. Mr. Pinto, I'm showing you what has</p> <p>6 been marked today for identification as Pinto</p> <p>7 35. Do you recognize this document?</p> <p>8 A. Yes.</p> <p>9 Q. What is this document?</p> <p>10 A. This is the judgment on my federal</p> <p>11 case.</p> <p>12 Q. In that matter, had you pled guilty</p> <p>13 to a misdemeanor?</p> <p>14 A. Yes.</p> <p>15 Q. That was for unlawful conveyance of</p> <p>16 government records?</p> <p>17 A. Yes.</p> <p>18 Q. During your testimony in the New</p> <p>19 York guardianship proceeding, did you testify</p> <p>20 about your criminal record?</p> <p>21 A. Yes.</p> <p>22 Q. Did you testify that had you pled</p> <p>23 guilty to the misdemeanor that's reflected in</p> <p>24 Pinto 35?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 205</p> <p>1 Esaun Pinto</p> <p>2 Q. You mentioned the name earlier</p> <p>3 Adrian Lawrence, is that someone that you work</p> <p>4 with?</p> <p>5 A. Yes.</p> <p>6 Q. And you worked with him in</p> <p>7 Colorado?</p> <p>8 A. No.</p> <p>9 Q. Okay. Was he involved in working</p> <p>10 with you when you brought Joanne back to New</p> <p>11 York?</p> <p>12 A. Yes.</p> <p>13 Q. You testified a little earlier</p> <p>14 about Bernard Black being escorted out of the</p> <p>15 hospital when he came to visit Joanne. Why was</p> <p>16 Bernard Black escorted out of the hospital at</p> <p>17 that time?</p> <p>18 A. Because the meeting was going so</p> <p>19 bad that Joanne wanted to stop. Joanne wanted</p> <p>20 him to leave. She informed the social worker</p> <p>21 and the, well, first the guard outside the door</p> <p>22 who informed the social worker and Dr.</p> <p>23 Choudhury, and they asked him to leave.</p> <p>24 And Bernard was still going at</p> <p>25 Joanne, meaning still talking down to her and</p>

<p style="text-align: right;">Page 206</p> <p>1 Esaun Pinto</p> <p>2 being nasty to her. And basically security came</p> <p>3 into the room and had Bernard pick up his things</p> <p>4 and they escorted him out.</p> <p>5 Q. So before he was even escorted out,</p> <p>6 the social worker and others had come by the</p> <p>7 hospital room and asked him to leave; is that</p> <p>8 correct?</p> <p>9 A. Yes. So at the beginning of the</p> <p>10 meeting, the social worker, I don't know if it</p> <p>11 was the social worker and Dr. Choudhury, the</p> <p>12 social worker came into the room and laid the</p> <p>13 groundwork on how the meeting should go, and</p> <p>14 then left us alone for a little while.</p> <p>15 And when things got out of control</p> <p>16 and Joanne wanted to stop, she notified</p> <p>17 security. Security got the social worker and</p> <p>18 the doctor, and then Bernard was asked to leave.</p> <p>19 Bernard continued as he</p> <p>20 transitioned from the meeting room through the</p> <p>21 hospital. Eventually they had to remove Joanne</p> <p>22 to get her out of earshot of her brother.</p> <p>23 Q. So even one of the doctors came to</p> <p>24 the hospital room and asked Bernard Black to</p> <p>25 leave?</p>	<p style="text-align: right;">Page 208</p> <p>1 Esaun Pinto</p> <p>2 Q. What did she tell you about that?</p> <p>3 A. She said that she was in Illinois</p> <p>4 the previous December, and she talked about</p> <p>5 being cold and being on the street and wanting</p> <p>6 to leave there and not being able to catch a</p> <p>7 bus. And then she reached out to her brother,</p> <p>8 and her brother wouldn't respond to her.</p> <p>9 Q. You mentioned the name a little</p> <p>10 earlier Melissa Schwartz. Who do you understand</p> <p>11 her to be?</p> <p>12 A. Joanne's conservator, the first</p> <p>13 one.</p> <p>14 Q. In Colorado?</p> <p>15 A. Sure.</p> <p>16 Q. Was that before Bernard Black was</p> <p>17 Joanne's conservator in Colorado, if you know?</p> <p>18 A. I believe that's after.</p> <p>19 Q. Melissa Schwartz was after?</p> <p>20 A. Yeah.</p> <p>21 MR. KATZ: Okay, thank you, I have</p> <p>22 nothing further.</p> <p>23 EXAMINATION BY</p> <p>24 MS. HOSKINSON:</p> <p>25 Q. Good afternoon, Mr. Pinto. I'm</p>
<p style="text-align: right;">Page 207</p> <p>1 Esaun Pinto</p> <p>2 A. Sure.</p> <p>3 Q. And Bernard Black refused to follow</p> <p>4 his instructions?</p> <p>5 A. The security was escorting him. He</p> <p>6 was moving very slowly, and he continued to</p> <p>7 attempt to talk to Joanne.</p> <p>8 Q. What kind of comments, to the</p> <p>9 extent you recall, was he making as he was</p> <p>10 slowly walking away?</p> <p>11 A. He was speaking of things like her</p> <p>12 housing and her inability to live on her own,</p> <p>13 not needing the stuff and reminding her of the</p> <p>14 past, past hospitalizations, past delusions.</p> <p>15 Q. That was upsetting her?</p> <p>16 A. Oh, yeah.</p> <p>17 Q. You had mentioned at some point</p> <p>18 Joanne had told you that Bernard refused to help</p> <p>19 her when she was in Illinois.</p> <p>20 A. Yeah.</p> <p>21 Q. When was that, when did she tell</p> <p>22 you?</p> <p>23 A. She told me that when I initially</p> <p>24 got to Colorado. We talked about that right</p> <p>25 away.</p>	<p style="text-align: right;">Page 209</p> <p>1 Esaun Pinto</p> <p>2 Tracy Hoskinson, and I represent Melissa</p> <p>3 Cohenson and Brian A. Raphan, P.C. I just have</p> <p>4 a couple of questions for you.</p> <p>5 A. Sure.</p> <p>6 Q. Do you know someone by the name of</p> <p>7 Sarah Black?</p> <p>8 A. I heard the name, I don't know her.</p> <p>9 Q. Do you know her to be Bernard</p> <p>10 Black's daughter?</p> <p>11 A. That's what I was told.</p> <p>12 Q. Have you ever met her?</p> <p>13 A. No.</p> <p>14 Q. To your knowledge, had Joanne ever</p> <p>15 met her while you knew Joanne?</p> <p>16 A. In the 20 years that I've known</p> <p>17 Joanne?</p> <p>18 Q. Yes.</p> <p>19 A. I don't know. Her name came up</p> <p>20 over the years, but I can't really remember in</p> <p>21 what capacity.</p> <p>22 Q. Did Joanne ever tell you that she</p> <p>23 had seen Sarah?</p> <p>24 A. Not that I can recall.</p> <p>25 MS. HOSKINSON: I don't have</p>

<p style="text-align: right;">Page 210</p> <p>1 Esaun Pinto</p> <p>2 anything further. Thank you.</p> <p>3 MR. MANCILLA: Tony, are you on the</p> <p>4 line?</p> <p>5 MR. DAIN: I am. I don't have any</p> <p>6 questions.</p> <p>7 MR. MANCILLA: Okay. I guess I'll</p> <p>8 finish.</p> <p>9 EXAMINATION BY</p> <p>10 MR. MANCILLA:</p> <p>11 Q. Mr. Pinto, I've got a few</p> <p>12 questions. This will go pretty fast. Do you</p> <p>13 have Exhibit 30? You testified earlier that</p> <p>14 this is, do you have it in hand?</p> <p>15 A. Yeah, I got it.</p> <p>16 Q. That this is an email</p> <p>17 correspondence between you and Bernard Black,</p> <p>18 and specifically referring to the email at the</p> <p>19 bottom of the page, the first page.</p> <p>20 A. Yes.</p> <p>21 Q. This is an email that you sent; is</p> <p>22 that right?</p> <p>23 A. Yes.</p> <p>24 Q. On April 9, 2013?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 212</p> <p>1 Esaun Pinto</p> <p>2 Q. Was he aware that you were going to</p> <p>3 try to help Joanne and bring her back to the</p> <p>4 East Coast?</p> <p>5 A. Yes.</p> <p>6 MR. SCHAAALMAN: Object to the form.</p> <p>7 Q. How do you know he was aware of</p> <p>8 that?</p> <p>9 A. Because we communicated through the</p> <p>10 email.</p> <p>11 Q. Do you recall telling him that you</p> <p>12 were bringing her back to the East Coast?</p> <p>13 MR. SCHAAALMAN: Object to the form.</p> <p>14 A. I don't think that happened</p> <p>15 initially. But eventually, yeah.</p> <p>16 Q. Prior to bringing Joanne back to</p> <p>17 the East Coast, did you have any conversations</p> <p>18 with Cherie Wrigley or Bernard Black regarding</p> <p>19 the plans to bring her back to the East Coast?</p> <p>20 A. Yes.</p> <p>21 Q. Did you have, specifically did you</p> <p>22 have that conversation with Bernard Black?</p> <p>23 A. I believe so.</p> <p>24 Q. As far as you're concerned, who was</p> <p>25 it that instructed you to bring Joanne Black</p>
<p style="text-align: right;">Page 211</p> <p>1 Esaun Pinto</p> <p>2 Q. Was this before you went to Denver?</p> <p>3 A. Yes.</p> <p>4 Q. And was this, this is an email you</p> <p>5 wrote, I would like to travel to Denver this</p> <p>6 weekend and attempt to get Joanne help.</p> <p>7 A. Yes.</p> <p>8 Q. Why would you send him an email?</p> <p>9 A. Cherie asked me to.</p> <p>10 Q. It was important because Mr. Black</p> <p>11 was in charge of her finances?</p> <p>12 MR. SCHAAALMAN: Object to the form.</p> <p>13 Q. Why was it important that you</p> <p>14 advise Mr. Black of what you were doing?</p> <p>15 A. As far as I knew at the time, there</p> <p>16 was just one. They were looking after, they</p> <p>17 were concerned with Joanne, and she just wanted</p> <p>18 to make Bernard aware of what was going on.</p> <p>19 Q. As far as you're concerned, he was</p> <p>20 aware that you were involved?</p> <p>21 A. Sure.</p> <p>22 Q. And he was aware that you were</p> <p>23 going to go to Denver?</p> <p>24 A. Sure.</p> <p>25 MR. SCHAAALMAN: Object to the form.</p>	<p style="text-align: right;">Page 213</p> <p>1 Esaun Pinto</p> <p>2 back to the East Coast from Colorado?</p> <p>3 A. It was a decision that was made</p> <p>4 amongst the three of us. It was communicated --</p> <p>5 Q. The three of us meaning?</p> <p>6 A. Cherie, Bernard and myself.</p> <p>7 Q. Can you tell me when that decision</p> <p>8 was made to bring Joanne back?</p> <p>9 A. After a couple of days of being in</p> <p>10 Colorado.</p> <p>11 Q. Who made that decision? I guess</p> <p>12 the question is better phrased, who came up with</p> <p>13 the idea to bring her back?</p> <p>14 A. Oh, I don't know. It was probably</p> <p>15 me.</p> <p>16 Q. I'd like to hand the witness the</p> <p>17 exhibit that's been marked, what we can mark as</p> <p>18 36.</p> <p>19 (Email chain was hereby marked as</p> <p>20 Pinto Exhibit 36 for identification, as of</p> <p>21 this date.)</p> <p>22 Q. Do you recognize --</p> <p>23 MR. SCHAAALMAN: Just hold on. You</p> <p>24 told me Page 6. Is that more than one</p> <p>25 page?</p>

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1 Esaun Pinto
2 MR. MANCILLA: It's one email, six,
3 seven, eight and nine, it's all one email.
4 MR. SCHAALMAN: Thank you.
5 MR. FANTONE: Tony, are you there?
6 Tony, are you there?
7 MR. DAIN: Yes, sorry, I got
8 disconnected.
9 MR. FANTONE: Tony, we're referring
10 to Control Number 6 on the Pinto EDNY
11 production from Mr. Pinto.
12 MR. DAIN: Okay, thank you.
13 Q. Do you recognize this chain of
14 emails, Mr. Pinto?
15 A. I think so.
16 Q. On the page labeled at the bottom
17 Pinto EDNY 0007 --
18 A. Yes.
19 Q. -- there's an email here from
20 Cherie Wrigley to Bernard Black; is that right?
21 A. Yes.
22 Q. Is this an email you received from
23 Cherie Wrigley with you cc'd?
24 A. Yes.
25 Q. I'd like to turn to, I'd like to

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1 Esaun Pinto
2 show the witness what's marked, what was
3 produced as Pinto EDNY 000010.
4 MR. FANTONE: You want that marked
5 as Pinto 37?
6 MR. MANCILLA: Yes.
7 (Pinto EDNY 000010 was hereby
8 marked as Pinto Exhibit 37 for
9 identification, as of this date.)
10 Q. Mr. Pinto, do you recognize what
11 this document is?
12 A. Yes.
13 Q. What is it?
14 A. Excuse me?
15 MR. FANTONE: What is it?
16 Q. Is this an email chain again?
17 A. Yes.
18 Q. Between who?
19 A. Myself and Bernard.
20 Q. Is Cherie cc'd on it?
21 A. Yes.
22 Q. There's an email from Bernard
23 halfway down the page, you can see there's an
24 email from Bernard to you cc'g Cherie dated May
25 7, 2013, do you see that?

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1 Esaun Pinto
2 A. Yes.
3 Q. In that email Bernard writes, Also
4 Cherie said you were still holding a hotel for
5 Joanne in Denver - what hotel? That will be
6 useful for me, actually, to extend the
7 guardianship which I need to do soon. Do you
8 see that?
9 A. I do.
10 Q. Do you know why it was useful for
11 him?
12 A. Sure.
13 Q. Can you explain why?
14 A. Bernard needed to, Bernard wanted
15 to keep that hotel bill going in Colorado so
16 that he could act as if Joanne was still there.
17 Q. Was that hotel bill necessary?
18 A. No.
19 Q. Why did he need to pretend that
20 Joanne was still there?
21 A. He puts it right there, to extend
22 his guardianship.
23 Q. Is it fair to say there was a
24 jurisdictional issue?
25 A. Sure, that's what I assumed.

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1 Esaun Pinto
2 Q. At that time though, Joanne was no
3 longer at that hotel?
4 A. No, Joanne was in New York.
5 Q. Who was paying for the hotel at
6 that point, if you recall?
7 A. I mean, I was paying for it, but I
8 don't know if I was invoicing for it or not, but
9 I was paying for it.
10 Q. Were you paying in cash or were you
11 paying by charge card?
12 A. No, I think I was giving them my
13 debit card.
14 Q. Which credit card?
15 A. I think it was my Citibank credit
16 card, not Joanne's, mine.
17 Q. Your personal Citibank card?
18 A. My personal Citibank card.
19 Q. And so you would seek reimbursement
20 at some point for those?
21 A. Yeah, if I remembered to. I don't
22 know if I added that to the invoices.
23 Q. Is it your position that there were
24 some expenses that you incurred personally that
25 you did not get reimbursement for?

<p style="text-align: right;">Page 218</p> <p>1 Esaun Pinto</p> <p>2 A. There were a ton.</p> <p>3 MR. SCHAALMAN: Excuse me, object</p> <p>4 to the form. Thank you, Mr. Pinto.</p> <p>5 A. Should I answer?</p> <p>6 MR. SCHAALMAN: Yes, it's a form</p> <p>7 objection. I don't like the way he's</p> <p>8 asking the question. He's your lawyer, and</p> <p>9 unless he tells you not to answer, go</p> <p>10 ahead.</p> <p>11 A. There were a ton of expenses.</p> <p>12 Q. Were there a ton of expenses -- so</p> <p>13 let's focus specifically on the period when you</p> <p>14 were, I guess, enrolled to find Joanne and then</p> <p>15 to bring her back to New York.</p> <p>16 That period alone, were there</p> <p>17 expenses that you incurred personally for which</p> <p>18 you never were reimbursed?</p> <p>19 MR. SCHAALMAN: Object to the form</p> <p>20 of the question.</p> <p>21 A. Are we talking from the date of the</p> <p>22 trip to Colorado to like when she's</p> <p>23 hospitalized?</p> <p>24 Q. Yes.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 Esaun Pinto</p> <p>2 A. You do not get a receipt for cash</p> <p>3 payments like that.</p> <p>4 Q. When she was hospitalized, were</p> <p>5 there still some outstanding expenses that you</p> <p>6 had to pay in that manner?</p> <p>7 A. I mean, some things came back to</p> <p>8 haunt us later on. The area where Joanne stayed</p> <p>9 in Jersey City, I frequent that area. That area</p> <p>10 I use for a number of different things and</p> <p>11 different cases. So there were things that I</p> <p>12 didn't address, matters I didn't address prior</p> <p>13 to Joanne getting hospitalized that I later had</p> <p>14 to address.</p> <p>15 Q. Did you use any, any of the cash</p> <p>16 that you used, were they sourced from the Chase</p> <p>17 Bank account that Joanne had?</p> <p>18 A. Sure, at times, yeah.</p> <p>19 MR. MANCILLA: I'm handing the</p> <p>20 witness what we produced as Pinto EDNY 26.</p> <p>21 What I'd like to be marked as Exhibit 38.</p> <p>22 (Pinto EDNY 26 was hereby marked as</p> <p>23 Pinto Exhibit 38 for identification, as of</p> <p>24 this date.)</p> <p>25 Q. Mr. Pinto, is this another chain of</p>
<p style="text-align: right;">Page 219</p> <p>1 Esaun Pinto</p> <p>2 Q. Do you recall what expenses those</p> <p>3 may have been?</p> <p>4 A. Joanne caused a lot of damage</p> <p>5 during that period. She set her hotel room on</p> <p>6 fire, she set her mattress on fire, damaging</p> <p>7 vehicles, there were a lot of things, jewelry,</p> <p>8 display cases in jewelry stores. She did a lot</p> <p>9 of things.</p> <p>10 Q. How would those things be handled?</p> <p>11 A. I just paid for it.</p> <p>12 Q. Would you always use your Citibank,</p> <p>13 personal Citibank card?</p> <p>14 A. No.</p> <p>15 MR. SCHAALMAN: Object to the form.</p> <p>16 A. No, most of those were cash</p> <p>17 payments.</p> <p>18 Q. Can you explain?</p> <p>19 A. So, if Joanne did something that</p> <p>20 she wasn't supposed to do and I wanted to make</p> <p>21 it go away or deal with it and just move on,</p> <p>22 then I would work it out with whoever's property</p> <p>23 she damaged and pay for it and move on.</p> <p>24 Q. Did you get a receipt for all the</p> <p>25 payments?</p>	<p style="text-align: right;">Page 221</p> <p>1 Esaun Pinto</p> <p>2 emails between you and Mr. Black?</p> <p>3 A. Yes.</p> <p>4 Q. There's an email on the next page,</p> <p>5 it's 27, the following page. From Cherie</p> <p>6 Wrigley to Bernard Black and Mr. Pinto and</p> <p>7 Anthony Dain are cc'd; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Ms. Wrigley writes, Bernie, I</p> <p>10 understand your concern and frustrations. Esaun</p> <p>11 and his team have worked miracles with Joanne.</p> <p>12 These costs are not meant to be ongoing. Give</p> <p>13 it a little more time. Your mom is not around</p> <p>14 anymore to handle Joanne on an</p> <p>15 hourly/daily/weekly basis.</p> <p>16 Hopefully they will convince her to</p> <p>17 take her medicine and become more</p> <p>18 self-sufficient. The services Esaun and his</p> <p>19 team are providing are far more than</p> <p>20 baby-sitting, really, what an insult!</p> <p>21 Can you explain why she said your</p> <p>22 mom is not around anymore to handle Joanne on an</p> <p>23 hourly, daily and weekly basis?</p> <p>24 A. Because that's all Joanne had here,</p> <p>25 other than myself. For the first 10, 12 years</p>

<p style="text-align: right;">Page 222</p> <p>1 Esaun Pinto</p> <p>2 of my relationship with Joanne, it was myself</p> <p>3 and Joanne's mom. You know, so when things were</p> <p>4 bad, I guess Joanne's mom was the immediate</p> <p>5 contact person who dealt with those things.</p> <p>6 But, like I said before, I provided</p> <p>7 an ear, a shoulder and support for Joanne, and</p> <p>8 yeah, that whole baby-sitting thing struck a</p> <p>9 nerve with me. It's far more than baby-sitting.</p> <p>10 Q. You said it's far more than</p> <p>11 baby-sitting, is that because there was a point</p> <p>12 in time when Mr. Black characterized your work</p> <p>13 as baby-sitting?</p> <p>14 A. This was all about finance for Mr.</p> <p>15 Bernard Black. He wasn't in touch with what it</p> <p>16 even took to take care of Joanne, what that even</p> <p>17 looked like. He had not a clue.</p> <p>18 Q. I see the email below that is from</p> <p>19 Bernard Black to Cherie Wrigley which states, We</p> <p>20 can have visits by fancier people, but the</p> <p>21 baby-sitting costs need come back.</p> <p>22 A. I don't even know what we can have</p> <p>23 visits by fancier people, I don't even know what</p> <p>24 that's supposed to mean.</p> <p>25 Q. Did you interpret that to mean you</p>	<p style="text-align: right;">Page 224</p> <p>1 Esaun Pinto</p> <p>2 Q. Was your intention on putting this</p> <p>3 in writing, Please keep in mind that I haven't</p> <p>4 invoiced, I don't want to put words in your</p> <p>5 mouth, but were you intending to remind him that</p> <p>6 there will be a point in time that I will bill</p> <p>7 for my time?</p> <p>8 A. Absolutely.</p> <p>9 MR. SCHAALMAN: Object to the form</p> <p>10 of the question.</p> <p>11 A. Absolutely, but also letting him</p> <p>12 know I'm trying to work with him. I understand</p> <p>13 the bills are big, I understand this is a great</p> <p>14 cost, but this was extremely difficult too.</p> <p>15 Q. You testified earlier that you were</p> <p>16 having trouble getting paid by him on time,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 MR. SCHAALMAN: Object to the form.</p> <p>20 Q. And that put you in a difficult,</p> <p>21 not being paid on a timely basis from Bernard</p> <p>22 put you in a difficult position with your</p> <p>23 employees, the other people you were working</p> <p>24 with?</p> <p>25 MR. SCHAALMAN: Object to the form.</p>
<p style="text-align: right;">Page 223</p> <p>1 Esaun Pinto</p> <p>2 were baby-sitting Joanne?</p> <p>3 A. I take all of this as complete</p> <p>4 disrespect.</p> <p>5 Q. On Page 26, there's an email from</p> <p>6 you to Bernard Black in which you state, Please</p> <p>7 keep in mind that I haven't invoiced for any of</p> <p>8 the hours that I personally spent with Joanne</p> <p>9 and will continue to do so. The only other</p> <p>10 expense will be for her hotel cost and food, et</p> <p>11 cetera.</p> <p>12 I think you testified earlier that</p> <p>13 you weren't invoicing for some time, why is</p> <p>14 that?</p> <p>15 A. I didn't invoice for my time</p> <p>16 because the bills were already large, and I was</p> <p>17 already having a hard time getting the invoices</p> <p>18 covered for just my guys.</p> <p>19 So by no means did I intend to work</p> <p>20 for free, but at the time we just wanted to get</p> <p>21 the billing under control, and I wanted Bernard</p> <p>22 to pay on time or pay regularly so I could at</p> <p>23 least cover the expenses of the guys that I had</p> <p>24 working and figured we would deal with my</p> <p>25 numbers later.</p>	<p style="text-align: right;">Page 225</p> <p>1 Esaun Pinto</p> <p>2 MR. FANTONE: What's the basis?</p> <p>3 MR. SCHAALMAN: Leading by the</p> <p>4 nose. This is his client.</p> <p>5 MR. FANTONE: This is not</p> <p>6 cross-examination.</p> <p>7 MR. SCHAALMAN: Hardly, this is</p> <p>8 your client. You can't cross-examine your</p> <p>9 own client that I'm aware of, leading.</p> <p>10 MR. FANTONE: You can answer.</p> <p>11 A. So my guys had to be paid</p> <p>12 regardless of whether Bernard paid my invoice or</p> <p>13 not, they had to be paid, things had to be taken</p> <p>14 care of. Joanne had expenses. I mean, life had</p> <p>15 to go on whether he paid my bill on time or not.</p> <p>16 The numbers were getting bigger and bigger, and</p> <p>17 I couldn't afford it.</p> <p>18 Q. Did you have to come out-of-pocket</p> <p>19 to --</p> <p>20 A. Sure.</p> <p>21 Q. Let me finish the question. Did</p> <p>22 you have to come out-of-pocket to pay the people</p> <p>23 who were working for you to take care of Joanne</p> <p>24 in this time period?</p> <p>25 A. Yes, there were times, yeah.</p>

<p style="text-align: right;">Page 226</p> <p>1 Esaun Pinto</p> <p>2 Q. Were there any hours that you had</p> <p>3 to pay people for that you never got paid for?</p> <p>4 A. Sure.</p> <p>5 Q. Can you give us an estimate as to</p> <p>6 how many?</p> <p>7 A. No, I mean, I don't know, I don't</p> <p>8 remember. But, sure, I mean, like I said, when</p> <p>9 I parked the vehicle, the security guard outside</p> <p>10 of Joanne's room, when we were trying to</p> <p>11 convince the numbers, I paid the guy out of my</p> <p>12 pocket.</p> <p>13 You know, not just him. You know,</p> <p>14 I had backup plans for if she got past him,</p> <p>15 there was a Dunkin' Donuts across the street. I</p> <p>16 gave that guy a couple of dollars every night</p> <p>17 just to make sure if she came in there I would</p> <p>18 get a call.</p> <p>19 Q. Did you pay these people with a</p> <p>20 credit card?</p> <p>21 MR. SCHAALMAN: Object to the form.</p> <p>22 A. Cash.</p> <p>23 Q. How did you pay them?</p> <p>24 A. Cash.</p> <p>25 Q. Did you get receipts?</p>	<p style="text-align: right;">Page 228</p> <p>1 Esaun Pinto</p> <p>2 see that?</p> <p>3 A. Yes.</p> <p>4 Q. Did you ever provide that?</p> <p>5 A. I think I did.</p> <p>6 Q. You see the email above there,</p> <p>7 above that it says from you to Bernard Black?</p> <p>8 A. Right.</p> <p>9 Q. And you responded okay?</p> <p>10 A. Yeah.</p> <p>11 MR. MANCILLA: I show the witness</p> <p>12 what's identified, labeled as Pinto EDNY</p> <p>13 45. I'll mark this as 40.</p> <p>14 (Pinto EDNY 45-50 was hereby marked</p> <p>15 as Pinto Exhibit 40 for identification, as</p> <p>16 of this date.)</p> <p>17 Q. Mr. Pinto, this is again another</p> <p>18 email chain between you and Bernard Black,</p> <p>19 right?</p> <p>20 A. Yes.</p> <p>21 Q. Cherie Wrigley is included on some</p> <p>22 of these. On that first page which is an email</p> <p>23 from Bernard Black to Cherie Wrigley, sorry, to</p> <p>24 you cc'g Cherie Wrigley, Bernard writes, Going</p> <p>25 forward for however long the current plan lasts,</p>
<p style="text-align: right;">Page 227</p> <p>1 Esaun Pinto</p> <p>2 A. These guys don't give receipts.</p> <p>3 MR. MANCILLA: I'm handing you</p> <p>4 what's marked Pinto EDNY 36 for</p> <p>5 identification but I want to mark it as</p> <p>6 identification as 39.</p> <p>7 MR. SCHAALMAN: 39.</p> <p>8 MR. FANTONE: Thank you.</p> <p>9 (Pinto EDNY 36-40 was hereby marked</p> <p>10 as Pinto Exhibit 39 for identification, as</p> <p>11 of this date.)</p> <p>12 Q. Mr. Pinto, this is another email</p> <p>13 chain between you and Bernard Black; is that</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. On Page 36 in the middle of the</p> <p>17 page, is that an email from Bernard to Cherie</p> <p>18 and you?</p> <p>19 A. Yes.</p> <p>20 Q. And Bernard says, What would help</p> <p>21 me is a single spreadsheet with all expenses and</p> <p>22 all payments ideally in separate columns,</p> <p>23 payment, withdrawal, net balance after each</p> <p>24 payment or withdrawal, rows that can be</p> <p>25 organized by date. Thank you, Bernie. Do you</p>	<p style="text-align: right;">Page 229</p> <p>1 Esaun Pinto</p> <p>2 we still need to agree on a daily run rate for</p> <p>3 undocumented Joanne related expenses. What do</p> <p>4 you propose, \$500 a week?</p> <p>5 A. Correct.</p> <p>6 Q. What is a run rate?</p> <p>7 A. That's the daily rate or the weekly</p> <p>8 rate. The rate of the expenses --</p> <p>9 Q. Sorry, daily or weekly?</p> <p>10 A. Yeah, this here he's saying weekly.</p> <p>11 What he's talking about are expenses that would</p> <p>12 just come up that we couldn't prepare for.</p> <p>13 Q. Okay. And these are expenses that</p> <p>14 were paid for how?</p> <p>15 A. Cash.</p> <p>16 Q. Where was the cash?</p> <p>17 A. From the Chase account.</p> <p>18 Q. So this was not part of your fee?</p> <p>19 A. No, but it ended up being deducted</p> <p>20 from my invoices anyway.</p> <p>21 Q. Can you clarify?</p> <p>22 A. So there were certain expenses</p> <p>23 that, there were certain expenses that were</p> <p>24 addressed immediately, and then there were other</p> <p>25 expenses like the burning of mattresses and</p>

<p style="text-align: right;">Page 230</p> <p>1 Esaun Pinto</p> <p>2 damaging of cars that weren't.</p> <p>3 So what I tried my best to do was</p> <p>4 just to incorporate as much of those expenses as</p> <p>5 I could against the invoices because there was</p> <p>6 so much trouble in getting the invoices covered,</p> <p>7 and I knew Bernard was monitoring the account</p> <p>8 anyway. So sometimes I had to come out of</p> <p>9 pocket to cover those expenses and sometimes I</p> <p>10 didn't.</p> <p>11 Q. Which account are you saying</p> <p>12 Bernard monitored?</p> <p>13 A. The Chase account.</p> <p>14 Q. He had access to the Chase account?</p> <p>15 A. Absolutely. There were months if I</p> <p>16 put that this month we had \$2,000 worth of</p> <p>17 expenses and it was 2,500, he would check me on</p> <p>18 it, and he would just deduct the extra from the</p> <p>19 neck month's invoice.</p> <p>20 Q. So we would expect to see about</p> <p>21 \$500 a week withdrawn from the Chase account?</p> <p>22 MR. SCHAALMAN: Object to the form.</p> <p>23 A. Somewhere around there.</p> <p>24 Q. Would you turn to Page 49.</p> <p>25 Actually --</p>	<p style="text-align: right;">Page 232</p> <p>1 Esaun Pinto</p> <p>2 he changed the spreadsheets that I sent him. I</p> <p>3 don't really remember.</p> <p>4 Q. If we had a copy of the</p> <p>5 spreadsheet, would that refresh your</p> <p>6 recollection?</p> <p>7 A. It may.</p> <p>8 MR. MANCILLA: I show the witness</p> <p>9 what's marked, what was produced as Pinto</p> <p>10 EDNY 92. I'll mark that as Exhibit 42.</p> <p>11 MR. FANTONE: 41.</p> <p>12 MR. MANCILLA: 41, sorry.</p> <p>13 (Services List was hereby marked as</p> <p>14 Pinto Exhibit 41 for identification, as of</p> <p>15 this date.)</p> <p>16 A. Okay.</p> <p>17 Q. Mr. Pinto, does that document</p> <p>18 refresh your recollection as to whether or not</p> <p>19 the service list is a document, a spreadsheet</p> <p>20 that was created by you?</p> <p>21 A. I think this was created by my</p> <p>22 office.</p> <p>23 Q. What gives you that impression?</p> <p>24 A. Well, my CPI Investigations is at</p> <p>25 the top of it and my phone number. I'm assuming</p>
<p style="text-align: right;">Page 231</p> <p>1 Esaun Pinto</p> <p>2 MR. KATZ: It's part of it.</p> <p>3 Q. It's part of an email on Page 47,</p> <p>4 sorry.</p> <p>5 A. Okay.</p> <p>6 Q. Do you recognize, there's an email</p> <p>7 here at the bottom from Bernard Black to Esaun</p> <p>8 Pinto cc'g Cherie Wrigley, right?</p> <p>9 A. Sure.</p> <p>10 Q. And that's dated May 26, 2013?</p> <p>11 A. Yeah.</p> <p>12 Q. Do you remember receiving this?</p> <p>13 A. Yeah, this looks, yeah, yes.</p> <p>14 Q. And if you could just review it</p> <p>15 quickly, and at the end the subject, or the</p> <p>16 topic I want to ask you about is at the end</p> <p>17 which is on Page 49, the end of the email.</p> <p>18 A. Okay.</p> <p>19 Q. Mr. Black writes, I attach a</p> <p>20 revised service list XLS spreadsheet. First of</p> <p>21 all, is that the document that, is that a</p> <p>22 document that you prepared?</p> <p>23 A. I guess I believe I did prepare a</p> <p>24 spreadsheet, and then I think he, if I remember</p> <p>25 right, he either prepared his own spreadsheet or</p>	<p style="text-align: right;">Page 233</p> <p>1 Esaun Pinto</p> <p>2 we did this.</p> <p>3 Q. Who at your office would create</p> <p>4 something like this?</p> <p>5 A. This probably was created by my</p> <p>6 wife.</p> <p>7 Q. I'll represent to you that that</p> <p>8 document is under the file name which is listed</p> <p>9 at the bottom of Pinto 49, Service</p> <p>10 List-2013-0602-bb.xlsx.</p> <p>11 So Bernard wrote in his email, I</p> <p>12 attach a revised service list spreadsheet in</p> <p>13 which I added these amounts, \$2,000 plus \$12,270</p> <p>14 minus \$7,500 equals \$6,770 to the amounts paid</p> <p>15 to reach a revised total payment of \$84,770</p> <p>16 against billings to date less Chase withdrawals</p> <p>17 which you credited to us of \$79,185. Do you see</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. And then he writes, wrote, this</p> <p>21 leaves me with a positive balance through May</p> <p>22 27th of \$84,770 minus \$79,185 equals \$5,585.</p> <p>23 You see that?</p> <p>24 A. I see that.</p> <p>25 Q. What does that mean?</p>

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1 Esaun Pinto
2 A. It means that if I'm reading this
3 right and if I remember correctly, my numbers
4 were off and he corrected it.
5 Q. How would he correct it? How would
6 he know how to correct it?
7 A. He had access to the Chase account.
8 Q. So he was reviewing all of your --
9 A. Absolutely.
10 Q. -- withdrawals?
11 A. Yes. I mean, look, you know,
12 Bernard could have cut the card off. Bernard
13 could have prevented us from having access to
14 the card. If I was running amok and charging up
15 stuff, he would have just cut it off.
16 MR. FANTONE: Hold on a second.
17 Q. Were there any things you left off
18 the invoices because you felt like you couldn't
19 tell Bernard about them?
20 A. Yeah.
21 Q. What kind of things were those,
22 what kind of expenses were those?
23 A. Like the burning of the mattress,
24 paying the additional guys, paying for intel,
25 the damages to vehicles. All of that stuff, I

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1 Esaun Pinto
2 didn't put that stuff in the invoice.
3 Q. So his corrections at times of the
4 invoices or the service list, the service list
5 spreadsheets that he identified in this email,
6 would it actually deprive you of money that you
7 had otherwise paid out-of-pocket?
8 MR. SCHAAALMAN: Objection to form.
9 A. Sure, but there was no way around
10 it because I had to look out for Joanne. I
11 mean, not only him --
12 Q. For clarification, when you say
13 sure, do you mean yes?
14 A. Yes.
15 MR. SCHAAALMAN: Object to the form.
16 A. There were things I didn't tell, I
17 didn't put on the invoice and didn't tell
18 Bernard or Cherie about or Tony for that matter.
19 Q. Why is that?
20 A. Because I was looking out for
21 Joanne, and I wanted to continue to build the
22 trust. I didn't know what that day was going to
23 look like when she gets hospitalized, so I just
24 didn't share it.
25 Q. Why would not telling them help you

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1 Esaun Pinto
2 to gain Joanne's trust?
3 A. I hadn't spoken to Joanne for two
4 years. So this is, my trip to Colorado is right
5 on the tail of Cherie's trip there, so Joanne
6 was afraid of everything.
7 So, like I said, I mean, when I
8 know that when this thing is done, it's going to
9 go back to me and Joanne for the most part and I
10 couldn't lose her trust. So when things would
11 happen, I would just take care of it, just take
12 care of it and figure I'll deal with it later.
13 A lot of those things that took
14 place during those years I forgot about it, and
15 actually, in coming here today this morning, my
16 wife reminded me about a few of them.
17 But it's just let's get through the
18 day and get to tomorrow and continue to build
19 the relationship and continue to try to get her
20 help. That's what it was all about.
21 Q. Below that sentence Bernard wrote
22 on Page 49, what is the \$500 car return penalty,
23 return to Atlanta, Georgia about? Can you
24 explain that?
25 A. Sure. We rented a or I rented a

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1 Esaun Pinto
2 Suburban, a Chevy Suburban SUV in Colorado.
3 Joanne had so many things with her that we
4 needed a big vehicle to get the stuff back to
5 the East Coast.
6 That trip was some 30 some odd
7 hours, 35, 36, I can't remember, hours. Joanne
8 didn't exit the vehicle one time to go to the
9 bathroom, not once.
10 Besides the fact that Joanne's
11 luggage was molded all over the place to where
12 when we get all over the place, there's mold
13 growing in the trunk of the Suburban.
14 So that truck was damaged severely,
15 severely. We weren't supposed to leave the
16 state with the vehicle. I had no choice. I
17 used the vehicle. When we get back to the New
18 York City area, there wasn't, that rental car
19 company didn't exist here, and the closest place
20 to drop the car off was Atlanta.
21 Q. You just testified that she didn't
22 leave the car to go to the bathroom, what does
23 that mean?
24 A. She went to the bathroom on
25 herself.

<p style="text-align: right;">Page 238</p> <p>1 Esaun Pinto</p> <p>2 Q. In the vehicle?</p> <p>3 A. In the vehicle.</p> <p>4 Q. Was that car damaged because she</p> <p>5 didn't leave the vehicle?</p> <p>6 A. The car was destroyed.</p> <p>7 Q. How was that payment made, in what</p> <p>8 form?</p> <p>9 A. I don't remember exactly. I know I</p> <p>10 paid it somehow, either with my credit card or,</p> <p>11 and then eventually invoiced Bernard for it. I</p> <p>12 don't really remember.</p> <p>13 Q. Were all the costs covered for</p> <p>14 that?</p> <p>15 A. Were they covered by me?</p> <p>16 Q. No, were you eventually reimbursed</p> <p>17 for all the expenses?</p> <p>18 A. I know he disputed some of the</p> <p>19 rental car charges. I don't remember if he paid</p> <p>20 them or not, I don't remember.</p> <p>21 MR. MANCILLA: I'd like to show the</p> <p>22 witness what's labeled Pinto EDNY 53, and</p> <p>23 I'll mark it for identification as 42.</p> <p>24 (Pinto EDNY 53-54 was hereby marked</p> <p>25 as Pinto Exhibit 42 for identification, as</p>	<p style="text-align: right;">Page 240</p> <p>1 Esaun Pinto</p> <p>2 A. Correct.</p> <p>3 Q. And he writes, he wrote at that</p> <p>4 time, I'm looking at the first paragraph halfway</p> <p>5 down. As you know, I was very concerned about</p> <p>6 weekly cash burn. Over time we reached an</p> <p>7 agreement on the burn rate of \$5,000 per week.</p> <p>8 I took that to be a total, not an amount to</p> <p>9 which you would later add two to 3,000 per week</p> <p>10 for your own time.</p> <p>11 Was he incorrect when he took that?</p> <p>12 A. Oh, yes, absolutely.</p> <p>13 Q. Can you explain why?</p> <p>14 A. Because I only decided to not</p> <p>15 invoice him at the time because I wanted to get</p> <p>16 the invoices paid in a timely fashion so it</p> <p>17 wouldn't be coming out of my pocket. But at no</p> <p>18 time did I ever consider working for free.</p> <p>19 Q. Did you ever tell him you would?</p> <p>20 A. No, no, this operation took me away</p> <p>21 from my office, my family, I mean, everything.</p> <p>22 So, no, no.</p> <p>23 Q. And this email was in response --</p> <p>24 what was this email in response to, if you</p> <p>25 remember?</p>
<p style="text-align: right;">Page 239</p> <p>1 Esaun Pinto</p> <p>2 of this date.)</p> <p>3 MR. SCHAALMAN: One page?</p> <p>4 MR. MANCILLA: This is two pages.</p> <p>5 MR. SCHAALMAN: So 53 and 54?</p> <p>6 MR. MANCILLA: Yes.</p> <p>7 Q. Mr. Pinto --</p> <p>8 MR. SCHAALMAN: He seems to have a</p> <p>9 different document than what you're</p> <p>10 describing.</p> <p>11 A. 53 and 54, and then there's a</p> <p>12 spreadsheet on the back of it.</p> <p>13 Q. The spreadsheet on the back of it</p> <p>14 should be 94.</p> <p>15 MR. MANCILLA: That is 93.</p> <p>16 MR. SCHAALMAN: What?</p> <p>17 MR. MANCILLA: Ninety-three.</p> <p>18 MR. SCHAALMAN: So it's Page 53, 54</p> <p>19 and 93?</p> <p>20 MR. MANCILLA: That's correct.</p> <p>21 Q. This is again an email chain</p> <p>22 between you and Mr. Black, right?</p> <p>23 A. Right.</p> <p>24 Q. And the email on Page 53 is from</p> <p>25 Bernard Black to you dated July 2, 2013, right?</p>	<p style="text-align: right;">Page 241</p> <p>1 Esaun Pinto</p> <p>2 A. I don't know. I'd have to read it</p> <p>3 all.</p> <p>4 Q. Take a moment and read through it</p> <p>5 and see if that refreshes your recollection.</p> <p>6 A. Yeah, I mean, it just looks like</p> <p>7 he's going over the expenses, and he's again</p> <p>8 mentioning to me in this email that Joanne needs</p> <p>9 to crash, be hospitalized, and that's what I was</p> <p>10 trying to prevent her from crashing.</p> <p>11 Q. It appears as though, and correct</p> <p>12 me if I'm wrong, that he is, he found out that</p> <p>13 you would be charging for your own time?</p> <p>14 A. Sure.</p> <p>15 Q. How did he find that out?</p> <p>16 A. I communicated that to him in the</p> <p>17 email prior, but I sent him a bill.</p> <p>18 Q. You sent him a bill for your time,</p> <p>19 your personal time?</p> <p>20 A. Yeah, eventually, yeah.</p> <p>21 MR. SCHAALMAN: Object to the form.</p> <p>22 MR. MANCILLA: I apologize, I only</p> <p>23 have one copy of this, but I would like to</p> <p>24 show the witness this to refresh his</p> <p>25 recollection.</p>

<p style="text-align: right;">Page 242</p> <p>1 Esaun Pinto</p> <p>2 MR. SCHAALMAN: Why don't you pass</p> <p>3 it around to everybody first.</p> <p>4 MR. MANCILLA: This is an exhibit</p> <p>5 to the people's discovery, sorry, the</p> <p>6 plaintiffs' discovery request sent to Mr.</p> <p>7 Pinto or CPI, I don't recall which.</p> <p>8 MR. SCHAALMAN: Do you want me to</p> <p>9 hand it to the witness or back to you?</p> <p>10 MR. MANCILLA: You can hand it to</p> <p>11 the witness.</p> <p>12 MR. SCHAALMAN: Is this being</p> <p>13 marked as an exhibit?</p> <p>14 MR. MANCILLA: I'll mark it as</p> <p>15 Exhibit 54, what is this, 43.</p> <p>16 (10/5/15 Invoice was hereby marked</p> <p>17 as Pinto Exhibit 43 for identification, as</p> <p>18 of this date.)</p> <p>19 (A recess was taken from 5:50 p.m.</p> <p>20 until 5:52 p.m.)</p> <p>21 MR. KATZ: All counsel have agreed</p> <p>22 that since Mr. Pinto's Social Security is</p> <p>23 on what we have marked today as Pinto</p> <p>24 Exhibit 35, we're all in agreement we are</p> <p>25 going to redact the Social Security number</p>	<p style="text-align: right;">Page 244</p> <p>1 Esaun Pinto</p> <p>2 MR. SCHAALMAN: You don't have a</p> <p>3 copy of it, okay.</p> <p>4 Q. Does that refresh your recollection</p> <p>5 that that is the invoice that you sent over to</p> <p>6 Bernard which prompted this email?</p> <p>7 A. I'm not sure.</p> <p>8 Q. Well, this email refers to being</p> <p>9 frustrated that he misunderstood that you would</p> <p>10 eventually bill for your time, right?</p> <p>11 A. Right.</p> <p>12 Q. So the bill that has been marked as</p> <p>13 Exhibit 43, what does that represent, if you can</p> <p>14 see it.</p> <p>15 A. Oh, right, so this is provided by</p> <p>16 myself. This is not my guys.</p> <p>17 Q. What is that, what is Exhibit 43?</p> <p>18 A. This is my bill for my time, not</p> <p>19 the bill for the guys that were working for me.</p> <p>20 Q. That time period was from when to</p> <p>21 when?</p> <p>22 A. The 29th of April to June 24th.</p> <p>23 MR. SCHAALMAN: Could you state</p> <p>24 that again, the dates.</p> <p>25 THE WITNESS: The 29th of April --</p>
<p style="text-align: right;">Page 243</p> <p>1 Esaun Pinto</p> <p>2 just because we want to annex the exhibits</p> <p>3 to the deposition, to the actual deposition</p> <p>4 transcript.</p> <p>5 I'm also going to redact or cross</p> <p>6 out his date of birth since that's actually</p> <p>7 on this exhibit as well. So I just wanted</p> <p>8 to note on the record that I'm doing that.</p> <p>9 MR. FANTONE: Okay, thanks. We</p> <p>10 agree.</p> <p>11 (A recess was taken from 5:54 p.m.</p> <p>12 until 6:32 p.m.)</p> <p>13 BY MR. MANCILLA:</p> <p>14 Q. Mr. Pinto, would you take a look at</p> <p>15 what's been marked as Exhibit 43.</p> <p>16 A. Okay.</p> <p>17 Q. That's what we were discussing</p> <p>18 before we broke, and we were discussing that in</p> <p>19 relation to an email that was between you and</p> <p>20 Bernard which is exhibit, marked as Exhibit 42.</p> <p>21 A. Forty-two, got it.</p> <p>22 MR. SCHAALMAN: So which page has</p> <p>23 been marked as 43 now?</p> <p>24 MR. MANCILLA: Forty-three is the</p> <p>25 invoice.</p>	<p style="text-align: right;">Page 245</p> <p>1 Esaun Pinto</p> <p>2 MR. SCHAALMAN: Thank you.</p> <p>3 THE WITNESS: -- to June 24th.</p> <p>4 Q. So turning back to Exhibit 42, that</p> <p>5 email from Bernard to you.</p> <p>6 A. Right.</p> <p>7 Q. He states in the third paragraph</p> <p>8 down, I will pay your latest bill from June 3rd</p> <p>9 forward adjusted for any under or overpayment</p> <p>10 prior to that.</p> <p>11 Is he referring to paying the bill</p> <p>12 which has been marked as Exhibit 34 -- 43?</p> <p>13 MR. SCHAALMAN: Object to the form.</p> <p>14 A. I'm not quite sure. I don't really</p> <p>15 know.</p> <p>16 Q. Okay. Further down he states, My</p> <p>17 records show payment of \$94,900 and billing of</p> <p>18 \$90,776 for net overpayment of 4,214, do you see</p> <p>19 that?</p> <p>20 A. I see that.</p> <p>21 Q. This is for bills through June</p> <p>22 24th.</p> <p>23 A. Correct.</p> <p>24 Q. And then he writes, If my records</p> <p>25 are not correct, please advise me.</p>

<p style="text-align: right;">Page 246</p> <p>1 Esaun Pinto</p> <p>2 A. Right.</p> <p>3 Q. Then you testified earlier, I</p> <p>4 believe, that there were certain things that you</p> <p>5 did not tell Bernard about.</p> <p>6 A. Correct.</p> <p>7 MR. SCHAALMAN: Object to the form.</p> <p>8 Q. Do you recall whether you responded</p> <p>9 to this email and adjusted his records?</p> <p>10 MR. SCHAALMAN: Object to the form.</p> <p>11 A. I didn't adjust his records in</p> <p>12 regards to the things that I didn't tell Cherie</p> <p>13 or Tony or Bernard about, no.</p> <p>14 Q. When he says further down in that</p> <p>15 email, Otherwise, I consider the period from</p> <p>16 inception through June 24th to be closed. What</p> <p>17 do you understand that to mean?</p> <p>18 A. I don't really remember. I mean, I</p> <p>19 don't know if at this point I received the</p> <p>20 payment for my time, I don't know. I don't know</p> <p>21 if I received it yet.</p> <p>22 MR. MANCILLA: Let's go to what's</p> <p>23 been produced as Pinto EDNY 55, and I'll</p> <p>24 mark this as Exhibit 44.</p> <p>25 (Pinto EDNY 55-58 was hereby marked</p>	<p style="text-align: right;">Page 248</p> <p>1 Esaun Pinto</p> <p>2 of this date.)</p> <p>3 Q. Mr. Pinto, can you turn to Page 66?</p> <p>4 A. Fifty-six or 66?</p> <p>5 Q. Sixty-six, it's the second page.</p> <p>6 It looks like this is an email from you to Mr.</p> <p>7 Black dated July 9, 2013; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. And in the fifth paragraph down you</p> <p>10 write, I would like to possibly come up with a</p> <p>11 more livable rate moving forward and also would</p> <p>12 like to be paid at least two weeks in advance to</p> <p>13 eliminate any confusion. Do you see that?</p> <p>14 A. Yes, yes.</p> <p>15 Q. Can you just explain why you</p> <p>16 needed, why you used the word livable rate?</p> <p>17 A. Because again, he wanted the</p> <p>18 numbers to come down.</p> <p>19 Q. At that time, what was your rate,</p> <p>20 if you remember?</p> <p>21 A. I don't remember if it was eight or</p> <p>22 10,000 a month, I don't remember.</p> <p>23 Q. Was your rate per month or per</p> <p>24 week?</p> <p>25 A. I can't even remember.</p>
<p style="text-align: right;">Page 247</p> <p>1 Esaun Pinto</p> <p>2 as Pinto Exhibit 44 for identification, as</p> <p>3 of this date.)</p> <p>4 Q. Mr. Pinto --</p> <p>5 MR. SCHAALMAN: Wait just a second,</p> <p>6 please.</p> <p>7 MR. MANCILLA: Michael, are you</p> <p>8 ready?</p> <p>9 MR. SCHAALMAN: I'm good now,</p> <p>10 thanks.</p> <p>11 Q. Mr. Pinto, is this an email between</p> <p>12 you and Mr. Bernard Black?</p> <p>13 A. The first one looks like Bernard to</p> <p>14 Cherie that I'm cc'd, yes.</p> <p>15 Q. This is a chain of emails, right?</p> <p>16 A. Yes.</p> <p>17 MR. MANCILLA: I'd like to show the</p> <p>18 witness what was produced as Pinto EDNY 65.</p> <p>19 MR. SCHAALMAN: Sixty-five?</p> <p>20 MR. MANCILLA: Yes.</p> <p>21 MR. SCHAALMAN: Through what?</p> <p>22 MR. MANCILLA: Through 67. And</p> <p>23 this is marked as Exhibit 45.</p> <p>24 (Pinto EDNY 65-67 was hereby marked</p> <p>25 as Pinto Exhibit 45 for identification, as</p>	<p style="text-align: right;">Page 249</p> <p>1 Esaun Pinto</p> <p>2 Q. Okay. You also note in here, I</p> <p>3 would also like to be paid at least two weeks in</p> <p>4 advance to eliminate any confusion.</p> <p>5 I believe you testified about this</p> <p>6 earlier, but can you explain why you wrote that?</p> <p>7 A. Sure. I got tired of the back and</p> <p>8 forth, and if we were going to go through a</p> <p>9 period of a flat rate, I just wanted to be ahead</p> <p>10 of things because my expenses were unpredictable</p> <p>11 at times.</p> <p>12 Q. Right, you talk about a rate, does</p> <p>13 that mean that you spent the same number of</p> <p>14 hours every week working to help Joanne?</p> <p>15 A. No.</p> <p>16 Q. Can you explain that?</p> <p>17 A. I mean, it all depends, sometimes,</p> <p>18 you know, I visit Joanne three days this week,</p> <p>19 it could be five days next week, it could be off</p> <p>20 hours. It could be her waving at me from the</p> <p>21 window. It could be an hour on the telephone, I</p> <p>22 mean, it all depends.</p> <p>23 It all depends on what Joanne</p> <p>24 needed at the time. So every week was</p> <p>25 different, it all depends. That includes the</p>

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1 Esaun Pinto
2 shopping as well. Sometimes she wanted ice
3 cream, sometimes she wanted blue jeans. I never
4 knew exactly what Joanne was going to need or
5 want out of me until the day came.
6 Q. About when would you get the
7 first -- would she call you?
8 A. The first thing in the morning.
9 Q. And you said, you testified earlier
10 she woke up around three or four a.m.
11 A. Not when she was hospitalized. She
12 was hospitalized, I can't remember the first
13 hour in which they were allowed to call, but it
14 was relatively early.
15 Q. So at this time, which is around
16 July 2013, she would call you first thing in the
17 morning?
18 MR. SCHAALMAN: Object to the form.
19 A. She would, yes. She would call me
20 the first opportunity she had to use the phone.
21 And she would call me at least one more time
22 which would be the last time during the day that
23 she was able to use the phone.
24 Q. About how many times a day, if you
25 recall, was she able to use the phone?

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1 Esaun Pinto
2 A. Oh, she was able to use the phone
3 almost all day when she was at South Beach, so
4 much so that we had a phone budget. She had
5 like an allowance, but she would call me and we
6 actually joked, and I told her I need to cut her
7 allowance because the calls would just not stop
8 on certain days.
9 Q. Who would she speak to when she
10 called?
11 A. She would speak to me.
12 Q. Was there anyone else she would
13 speak to?
14 A. It depends on who I was with.
15 Sometimes she would speak to my kids, sometimes
16 my wife, sometimes my grandmother. If I was at
17 work, sometimes my guys.
18 Q. Did you bill for that separately or
19 was that part of the rate?
20 A. That was part of the rate.
21 Q. And that rate was consistent every
22 week?
23 A. When we went to the flat rate,
24 yeah.
25 Q. You would also go visit her at the

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1 Esaun Pinto
2 hospitals, right?
3 A. Sure.
4 Q. Every time you went to the
5 hospital, did you visit her or were there other
6 things that you did?
7 A. It depends. I would visit her,
8 sometimes I had a meeting with staff members,
9 doctors, social workers, attorneys.
10 Q. When you went to the hospital, was
11 there any record that was created of your
12 visits?
13 A. I was at the hospital so often, to
14 answer your question, yes. However, I was there
15 so often that I didn't have to sign in. I
16 didn't have to, these guys that work security at
17 the hospital, you know, we had conversations
18 about them moonlighting with me. These guys
19 wanted to be employed by me.
20 So, no, at South Beach oftentimes I
21 met with the doctors or the social workers prior
22 to meeting Joanne. So they would meet me
23 outside. We'd talk, and then I would get
24 escorted in. Those moments I went through the
25 employee entrance, I didn't go through the

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1 Esaun Pinto
2 business entrance.
3 Q. Every time that you went to the
4 hospital, did you always see Joanne?
5 MR. SCHAALMAN: Objection, form.
6 A. No.
7 Q. Can you explain that?
8 A. No, there were times that I had to
9 visit the hospital for meetings, and I wouldn't
10 see Joanne.
11 Q. Who would you meet with?
12 A. Doctors, counselors, social
13 workers, attorney.
14 MR. MANCILLA: Just a few more
15 here. I'd like to show the witness what
16 was produced as Pinto EDNY 81 to be marked
17 as Exhibit 46.
18 MR. FANTONE: Eighty-one to 86.
19 MR. SCHAALMAN: Thank you.
20 (Pinto EDNY 81-86 was hereby marked
21 as Pinto Exhibit 46 for identification, as
22 of this date.)
23 Q. Are these again emails between you
24 and Mr. Black?
25 A. Yes.

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1 Esaun Pinto

2 Q. And at the bottom of 81 you wrote,

3 Mr. Black, I've supplied invoices and

4 considerably reduced the rate by going with a

5 flat fee. Please find some time to review the

6 invoices. I would appreciate a wire before the

7 end of the week. I have been forced to wait for

8 payments in the past and it makes things

9 difficult for me.

10 Can you just explain, if you

11 recall, why you went to a flat rate and why you

12 reduced the rate?

13 A. I just wanted to get paid on time.

14 I just wanted to stop the back and forth. I

15 just wanted to make life simpler. So I was

16 calling myself cooperating as much as I could

17 and making life easier for everybody.

18 Q. Did the amount of work relative to

19 Joanne increase or decrease during this time

20 period?

21 A. Neither. I mean, my responsibility

22 to Joanne, it hasn't changed, it still hasn't

23 changed. So it's all based on what her needs

24 are. If I have to see Joanne five times this

25 week, I'll see her five times this week.

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1 Esaun Pinto

2 If I talk to Joanne, if she called

3 me ten times a day, I'm going to speak to her

4 ten times a day. So it's all dependent on what

5 her needs were. The dollar amount really had

6 very little, if anything, to do with what I

7 provided to Joanne.

8 Q. How long would you talk on the

9 phone with Joanne?

10 A. It depends, it depends on what was

11 going on. If I could tell her -- if she had an

12 issue, she called me and I could tell her

13 Joanne, I'll be there this afternoon, then I

14 could cut the conversation short.

15 If I couldn't respond immediately

16 or if I thought what she needed wasn't urgent

17 enough, then I would speak to her on the phone

18 and try to work it out on the phone. Those

19 conversations would take a long time.

20 Q. You testified earlier that there

21 was a point in time when Bernie had to be

22 removed from the hospital. Do you recall that?

23 A. When who had to be removed?

24 Q. Bernard Black.

25 A. Yes.

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1 Esaun Pinto

2 MR. SCHAAALMAN: Objection, asked

3 and answered.

4 Q. I think that you testified that you

5 actually prevented his arrest?

6 A. Sure.

7 Q. Can you explain that?

8 A. The hospital staff wanted to call

9 the police, and I told them that I didn't think

10 that was necessary. I asked if I can talk with

11 him and walk out with him, I did that. So the

12 police didn't respond.

13 Q. May I ask why you did that?

14 A. Because I didn't want to make this

15 more traumatic for Joanne than it needed to be.

16 Q. I believe you also testified that

17 Dr. Choudhury didn't want you to provide Bernie

18 with any of Joanne's contact information; is

19 that right?

20 A. Yes.

21 Q. Why not?

22 A. Because Joanne didn't want it.

23 Q. You testified earlier that --

24 A. And I asked Dr. Choudhury, Nelson

25 and all the other staff members, I think it was

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1 Esaun Pinto

2 Renzulli at the time.

3 MR. SCHAAALMAN: R-E-N-Z-U-L-L-I.

4 A. And there was another social

5 worker, I can't remember her name at the time,

6 but I spoke to them about it, because all of

7 this did put me in a weird position, very

8 uncomfortable position.

9 So I just, I spoke to them about

10 it. They weren't interested because Joanne

11 wasn't interested in it, and that's how I moved

12 forward.

13 Q. I believe you testified earlier

14 that Cherie told you at some point, do you

15 recall Cherie telling you at some point that she

16 believed Bernard was stealing money from Joanne,

17 right?

18 A. Yeah.

19 Q. Did you communicate that to Joanne?

20 A. No. Joanne communicated that with

21 me.

22 Q. What do you mean by that?

23 A. Joanne, when I got to Colorado,

24 Joanne knew some very exact numbers. She knew

25 exactly what was in the Roth IRA down to the

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1 Esaun Pinto
2 penny. She had communicated with them in
3 Vanguard and she knew a lot that I didn't know.
4 Because of her condition, I didn't know whether
5 to believe her or not. So I just kind of
6 ignored it.
7 But Joanne spoke from the day I
8 picked her up in Colorado that she believed that
9 her brother was stealing her inheritance.
10 Q. And that was at the time you got to
11 Colorado?
12 A. That was when I made contact with
13 Joanne, yes, in Colorado.
14 Q. Do you know how she knew that?
15 A. She made phone calls. She was
16 calling around, Vanguard and all these other
17 companies trying to figure out what was going
18 on.
19 I assumed once she was made aware
20 that her mother had passed away that she knew,
21 she knew what her mother's intentions were.
22 Joanne brought me a piece of her mother's will
23 ten years prior. I had already seen portions of
24 the will, and then some years later, about 2010,
25 she brought me a ripped page from another will.

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1 Esaun Pinto
2 So Joanne was aware of what her
3 mother's intentions were. So I guess that she
4 was informed that her mother passed away, she
5 was trying to safeguard her assets.
6 Q. So as far as you know, you never
7 communicated to Joanne that Cherie believed that
8 Bernard was stealing money?
9 MR. SCHAALMAN: Asked and answered,
10 leading, form.
11 A. No, Joanne told me on my contact
12 with her in Colorado that her brother was
13 stealing her inheritance.
14 Q. Did you ever voice any complaints
15 that you had about Bernard Black to Joanne?
16 A. No, I didn't even know him.
17 Q. There did come a point in time when
18 you testified earlier that you were frustrated
19 that you weren't getting paid on time.
20 A. Yeah, but me and Joanne didn't have
21 those kinds of conversations. Me and Joanne
22 didn't have invoice conversations.
23 Q. Did you ever have conversations
24 with Joanne about the estate?
25 A. She would talk about it, but again,

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1 Esaun Pinto
2 none of that was of any interest to me.
3 Q. When she spoke about it, did you
4 ever inform her of things that were going on in
5 the Colorado proceedings?
6 A. No.
7 Q. Did you ever tell her --
8 MR. SCHAALMAN: Leading.
9 Q. Did you ever convey any
10 communications you had with Anthony Dain to
11 Joanne Black?
12 MR. SCHAALMAN: Leading.
13 A. No. Joanne, so when Joanne was
14 hospitalized, Joanne was, in my opinion, not in
15 any condition to really talk about those things,
16 but I didn't even really know.
17 So the conversations about all of
18 that stuff, I didn't entertain until after
19 Joanne was released from the hospital, and I
20 still didn't want to talk about it then, but it
21 became a topic that Joanne wanted to talk about.
22 Q. Did you manipulate Joanne against
23 her brother Bernard Black?
24 MR. SCHAALMAN: Leading.
25 A. If anything, I tried to get Joanne

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1 Esaun Pinto
2 to communicate more with Bernard Black. Joanne
3 had enough hatred for her brother, she didn't
4 need any help from me.
5 Q. Mr. Pinto, did you ever conspire
6 with Anthony Dain or Cherie Wrigley to defund
7 the trust that was named Joanne Black as a
8 beneficiary?
9 MR. SCHAALMAN: Objection, leading,
10 form.
11 A. I just wanted to take care of
12 Joanne and get my invoices covered in a fair
13 time and be compensated for my time, that's all
14 I wanted. As far as cooperate with anybody, no,
15 no, I wasn't interested in that.
16 Q. Did you ever assist Anthony Dain
17 with any of his goals?
18 A. Any of his?
19 MR. MANCILLA: Withdrawn.
20 Q. You had, in caring for Joanne, what
21 bank accounts did you have access to?
22 A. I had access to the Chase account
23 for a short period of time. I had access to the
24 Wells Fargo account for a short period of time,
25 and I had access to the rent payee account at

<p style="text-align: right;">Page 262</p> <p>1 Esaun Pinto</p> <p>2 Citibank for a short period of time that Joanne</p> <p>3 and I set up.</p> <p>4 Q. What was the money in those</p> <p>5 accounts used for?</p> <p>6 A. The money in the Chase account was</p> <p>7 used for Joanne's expenses. The money in the</p> <p>8 Wells Fargo account was used for Joanne's</p> <p>9 expenses at times, and at other times the money</p> <p>10 was withdrawn from there to safeguard against</p> <p>11 Bernard as per Joanne.</p> <p>12 Q. Can you explain that a little bit</p> <p>13 more?</p> <p>14 A. The first contact with Joanne in</p> <p>15 Colorado, Joanne felt like Bernard was</p> <p>16 attempting to rob her of her inheritance and he</p> <p>17 didn't want her to have anything.</p> <p>18 And not knowing Bernard, not</p> <p>19 knowing whether to completely believe Joanne,</p> <p>20 when Joanne was hospitalized at some point I get</p> <p>21 the, at some point I get the Wells Fargo card,</p> <p>22 and I'm instructed to withdraw the money before</p> <p>23 Bernard gets a chance to steal it.</p> <p>24 And at that point --</p> <p>25 Q. Before you go any further, who were</p>	<p style="text-align: right;">Page 264</p> <p>1 Esaun Pinto</p> <p>2 Q. Can you estimate about how much</p> <p>3 money you put in the lockbox?</p> <p>4 A. I'm guessing somewhere around</p> <p>5 \$8,000.</p> <p>6 Q. Did you ever withdraw any money</p> <p>7 from that lockbox after you put it in there?</p> <p>8 A. Sure.</p> <p>9 MR. SCHAALMAN: Objection, leading.</p> <p>10 A. Sure.</p> <p>11 Q. What did you withdraw and when?</p> <p>12 A. Expenses for Joanne, I paid for</p> <p>13 damages from the past, and then Joanne made</p> <p>14 withdrawals later when she was released from the</p> <p>15 hospital. Joanne went shopping and whatever.</p> <p>16 Q. Was there any money that you</p> <p>17 controlled or that you had access to that was</p> <p>18 Joanne's ever used for things that were not for</p> <p>19 Joanne's benefit?</p> <p>20 A. No.</p> <p>21 MR. SCHAALMAN: Objection to form.</p> <p>22 Q. Did you ever take money from any of</p> <p>23 those accounts for yourself to which you were</p> <p>24 not entitled?</p> <p>25 MR. SCHAALMAN: Objection to form.</p>
<p style="text-align: right;">Page 263</p> <p>1 Esaun Pinto</p> <p>2 you instructed by?</p> <p>3 A. Joanne.</p> <p>4 Q. To withdraw what money?</p> <p>5 A. The Wells Fargo money.</p> <p>6 Q. What did you do with it?</p> <p>7 A. It was to purchase a lock box. The</p> <p>8 fund were put in the lockbox, funds that weren't</p> <p>9 used by Joanne or funds that were used by me for</p> <p>10 Joanne were safeguarded in a lockbox.</p> <p>11 Q. You put it in a lockbox because</p> <p>12 Joanne instructed you to?</p> <p>13 A. Right.</p> <p>14 MR. SCHAALMAN: Objection, form and</p> <p>15 asked and answered.</p> <p>16 Q. When did she instruct you to put</p> <p>17 the money into the lockbox?</p> <p>18 A. When?</p> <p>19 Q. Yes.</p> <p>20 A. I'm speculating, but it had to be</p> <p>21 during one of the hospitalizations. I don't</p> <p>22 know if I had it, I don't remember if I had it</p> <p>23 when she was at Meadow View. I believe I had it</p> <p>24 when she got to South Beach, I believe I got it</p> <p>25 then.</p>	<p style="text-align: right;">Page 265</p> <p>1 Esaun Pinto</p> <p>2 A. No. There were times where Joanne</p> <p>3 would demand for me to show her that I had</p> <p>4 withdrawn. So if I would go to visit Joanne</p> <p>5 today, she would ask me if I went into the</p> <p>6 account yesterday. Joanne would ask me, did you</p> <p>7 put the money in the box, do you have the money,</p> <p>8 and I would go in my pocket and show her a few</p> <p>9 hundred dollars. Joanne, I have the money, I</p> <p>10 have to put it in the box.</p> <p>11 And then, you know, to deal with</p> <p>12 the SSD, this Wells Fargo later, but this was,</p> <p>13 this thing was moving kind of crazy, so at times</p> <p>14 I didn't have a chance to go to Wells Fargo.</p> <p>15 There was no Wells Fargo in my</p> <p>16 neighborhood or by my office, but I just was</p> <p>17 following what she wanted to keep her as calm as</p> <p>18 I could. We did what we had to do.</p> <p>19 Q. I have just a few more questions.</p> <p>20 Can you take a look at -- do you know how much</p> <p>21 money is still in the lockbox?</p> <p>22 A. I'm guessing somewhere around</p> <p>23 between four and \$5,000.</p> <p>24 Q. Can you take a look at what's been</p> <p>25 marked as Pinto Exhibit 17.</p>

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1 Esaun Pinto
2 MR. FANTONE: Seventeen?
3 MR. MANCILLA: Yes, 17.
4 A. That's something that we had
5 earlier.
6 MR. MANCILLA: He's got it over
7 there.
8 A. Yeah, I got it.
9 Q. You testified earlier that this was
10 an email from Bernard to you dated September 4,
11 2014, right?
12 A. Right.
13 Q. The second to last paragraph he
14 writes, I am willing to pay for your time in
15 addition to your normal time with Joanne. In
16 the context of this email, what is he talking
17 about there?
18 A. We had just, we had just had a
19 conversation. I don't know if that email is
20 part of the exhibits, where he was upset for
21 Cherie doing the same exact thing. So he was
22 upset that, and he alleges that I overbilled him
23 by going over the flat rate and charging him for
24 the time, the additional time that I spent with
25 Cherie.

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1 Esaun Pinto
2 What I mean by that, if our flat
3 rate in his mind was based on three visits this
4 week, and I spent those three, those three
5 visits are based on a five-hour minimum which is
6 how we bill.
7 If I spent additional time with
8 Cherie or with Cherie and the doctors or
9 whatever the case was, Bernard gave me a hard
10 time about that.
11 What he's doing here is I'm willing
12 to pay for your time in addition to the normal
13 time you spend with Joanne to the extent that
14 this unfortunate conflict between me and Cherie
15 causes you to spend extra time on this matter.
16 We had just gotten into a conflict
17 over the same issue, but this was another way of
18 Bernard saying I'll take care of your conflict
19 with money. I'll pay you to go my direction, he
20 did that a number of times and I never
21 appreciated it.
22 Q. What do you mean my direction?
23 A. Because, again, we're talking about
24 the time, this is the moment in Joanne's case
25 where there becomes a divide. Prior to this

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1 Esaun Pinto
2 there is no divide. I send Cherie an email, I
3 cc Bernard, I send Bernard an email, I cc Cherie
4 and vice versa.
5 From this time Bernard wants
6 certain things in Colorado and I believe Cherie
7 wants certain things in Colorado, this is where
8 it starts.
9 Q. Do you know what they wanted?
10 A. Guardianship and conservatorship.
11 Q. Did you ever communicate that to
12 Joanne?
13 A. No, that's not my place. All the
14 conflict between me and Bernard prior to this
15 time period were worked out between me and
16 Bernard. If there were objections in the
17 invoices, we worked it out. After this, we only
18 survived as a team collectively for a couple of
19 weeks after this, after this argument.
20 Q. This was around the time that
21 Bernard came to visit Joanne for the first time,
22 right?
23 A. This is September 4th?
24 Q. Yes.
25 A. He hadn't gotten there yet, he came


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1 Esaun Pinto
2 a week or so later.
3 Q. Do you know why he came that
4 particular date as opposed to any other date?
5 A. He says it in here somewhere. He
6 didn't fly to New York just to see his sister as
7 the great big brother. He had a conference in
8 New York, and he visited Joanne around his
9 conference schedule. It's in one of these
10 emails.
11 Q. You testified about -- sorry, when
12 Joanne was hospitalized, there were certain
13 possessions of hers that had to be taken care
14 of, do you recall that testimony?
15 A. You're talking about the stuff in
16 Colorado, what are you talking about?
17 Q. Yeah, I guess.
18 A. There were --
19 MR. SCHAALMAN: Objection to form.
20 Q. I think that you testified earlier
21 that there were certain objects of Joanne's that
22 needed to go into storage, do you recall that
23 testimony?
24 MR. SCHAALMAN: Objection to form.
25 A. Yes, there were two sets of items.

<p style="text-align: right;">Page 270</p> <p>1 Esaun Pinto</p> <p>2 Well, there were three sets of items. Joanne's</p> <p>3 items that she traveled back from Colorado with,</p> <p>4 there were items that were left in Colorado, and</p> <p>5 then there were items that Bernard was in</p> <p>6 possession of.</p> <p>7 Q. Okay, putting aside the ones that</p> <p>8 Bernie had, or the ones that she left in</p> <p>9 Colorado that needed to be put into storage, do</p> <p>10 you recall that testimony before?</p> <p>11 A. Yes, but let me correct it if I</p> <p>12 said it that way. They weren't put into</p> <p>13 storage. This is the same hotel that I found</p> <p>14 Joanne at, so it appeared that Joanne was still</p> <p>15 renting a room there. There was no storage</p> <p>16 facility, we were invoiced by the hotel as if</p> <p>17 Joanne still was there.</p> <p>18 Q. How did you pay for that?</p> <p>19 A. I believe I paid with my credit</p> <p>20 card.</p> <p>21 Q. Your personal credit card?</p> <p>22 A. I believe so.</p> <p>23 Q. Were there any other items stored?</p> <p>24 A. It was just Joanne's bags.</p> <p>25 Q. Where were they stored?</p>	<p style="text-align: right;">Page 272</p> <p>1 Esaun Pinto</p> <p>2 MR. MANCILLA: Withdrawn.</p> <p>3 Q. I think you testified that Joanne</p> <p>4 expressed a desire to see Anthony Dain at some</p> <p>5 point?</p> <p>6 A. Sure.</p> <p>7 MR. SCHAAALMAN: Object to form.</p> <p>8 Q. Do you recall when Joanne requested</p> <p>9 to you to see Anthony Dain?</p> <p>10 A. I don't remember exactly. However,</p> <p>11 at the time when I would go to see Joanne in</p> <p>12 Colorado, when I made contact, Anthony Dain was</p> <p>13 the only person in Joanne's family that Joanne</p> <p>14 was favorable about, he was the only person.</p> <p>15 She spoke highly of Anthony Dain.</p> <p>16 She was afraid of Cherie at the time, she was</p> <p>17 afraid of Bernard at the time, and she would</p> <p>18 tell me she loves her cousin Tony, he's an</p> <p>19 attorney, he might help.</p> <p>20 Q. Did she ever explain why she held</p> <p>21 that view of Anthony Dain?</p> <p>22 A. She just thought Tony was</p> <p>23 brilliant.</p> <p>24 Q. With respect to communications</p> <p>25 involving Joanne, you said you didn't read</p>
<p style="text-align: right;">Page 271</p> <p>1 Esaun Pinto</p> <p>2 A. At the hotel.</p> <p>3 Q. In New Jersey, were there ever --</p> <p>4 MR. MANCILLA: Withdrawn.</p> <p>5 Q. Were you reimbursed, if you recall,</p> <p>6 were you reimbursed for all the expenses paying</p> <p>7 for the hotel?</p> <p>8 MR. SCHAAALMAN: Object to the form.</p> <p>9 A. I don't remember if, I don't</p> <p>10 remember if I even invoiced for it, I don't</p> <p>11 know. I don't remember.</p> <p>12 Q. And did there come a point in time</p> <p>13 in New Jersey where there were additional items</p> <p>14 that had to be put into storage because she was</p> <p>15 hospitalized?</p> <p>16 A. Sure.</p> <p>17 Q. How did you pay for those items</p> <p>18 that had to be placed into storage?</p> <p>19 A. I believe with a credit card.</p> <p>20 Q. Which credit card was this?</p> <p>21 A. My own personal.</p> <p>22 Q. Did you itemize those expenses on</p> <p>23 any invoices, to the best of your knowledge?</p> <p>24 A. I don't remember. I don't know.</p> <p>25 Q. Do you recall --</p>	<p style="text-align: right;">Page 273</p> <p>1 Esaun Pinto</p> <p>2 emails at times concerning the various</p> <p>3 litigations that were going on, do you recall</p> <p>4 that this morning?</p> <p>5 MR. SCHAAALMAN: Object to the form.</p> <p>6 A. Do I recall saying that?</p> <p>7 Q. Yes.</p> <p>8 A. Yes.</p> <p>9 Q. In those communications, however or</p> <p>10 during, when you received those communications</p> <p>11 or communicated with Ira, Cherie Wrigley,</p> <p>12 Anthony Dain, or others that ultimately have</p> <p>13 ended up being defendants in this litigation,</p> <p>14 did you consider those communications</p> <p>15 confidential?</p> <p>16 MR. SCHAAALMAN: Objection to form.</p> <p>17 A. If you're asking me when I met with</p> <p>18 Ira and what we consider the team, if what was</p> <p>19 going on in the team was confidential, it was</p> <p>20 confidential to the team.</p> <p>21 Q. And what was the team's goal?</p> <p>22 A. Just to get Joanne better and try</p> <p>23 to, try to allow her to live the best life she</p> <p>24 could live.</p> <p>25 Q. Did all the members of that team</p>

<p style="text-align: right;">Page 274</p> <p>1 Esaun Pinto</p> <p>2 have that common purpose?</p> <p>3 MR. SCHAALMAN: Objection, form.</p> <p>4 A. I believe they did, yeah.</p> <p>5 MR. MANCILLA: I have nothing</p> <p>6 further. Thank you.</p> <p>7 MR. SCHAALMAN: Tony, anything?</p> <p>8 Tony, are you there still?</p> <p>9 MR. DAIN: No, I'm sorry, I am</p> <p>10 here. Thank you, thank you, Mr. Pinto, and</p> <p>11 I have no questions.</p> <p>12 MR. SCHAALMAN: We'll take a</p> <p>13 minute. Off the record.</p> <p>14 (A recess was taken from 7:18 p.m.</p> <p>15 until 7:21 p.m.)</p> <p>16 MR. SCHAALMAN: It's now</p> <p>17 approximately 7:22 in the evening, and I</p> <p>18 still have additional questions.</p> <p>19 And I respect that the court</p> <p>20 reporter has been here all day and is weary</p> <p>21 and has to come back tomorrow morning, and</p> <p>22 we have to respect that and I want to</p> <p>23 respect that and I will respect that.</p> <p>24 So I've offered to finish up Mr.</p> <p>25 Pinto over the telephone, given that I</p>	<p style="text-align: right;">Page 276</p> <p>1</p> <p>2 I N D E X</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 Esaun Pinto Mr. Schaalman 4</p> <p> Mr. Katz 202</p> <p>5 Ms. Hoskinson 208</p> <p> Mr. Mancilla 210</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 PINTO DESCRIPTION PAGE</p> <p>9 Exhibits</p> <p>9 1-19 Nineteen emails and 4</p> <p> documents</p> <p>10 Exhibit 20 9/11/14 email 74</p> <p>11 Exhibit 21 9/18/14 email 88</p> <p>12 Exhibit 22 9/20/14 email 88</p> <p>13 Exhibit 23 9/24/14 email 88</p> <p>14 Exhibits</p> <p>15 24-26 Three email chains 121</p> <p>16 Exhibit 27 Email chain 141</p> <p>17 Exhibit 28 Email chain 158</p> <p>18 Exhibit 29 Details of invoices 158</p> <p>19 Exhibit 30 Email chain 158</p> <p>20 Exhibit 31 Email chain 158</p> <p>21 Exhibit 32 Email chain 158</p> <p>22 Exhibit 33 Email chain 170</p> <p>23 Exhibit 34 Email chain 170</p> <p>24 Exhibit 35 6/29/09 Presentence</p> <p> Report for Esaun G.</p> <p>25 Pinto, Sr. 202</p>
<p style="text-align: right;">Page 275</p> <p>1 Esaun Pinto</p> <p>2 don't know when this august group of</p> <p>3 lawyers will get together again for other</p> <p>4 discovery.</p> <p>5 But maybe it can also be worked out</p> <p>6 in conjunction with another deposition, but</p> <p>7 I'm also willing to do it by phone. So</p> <p>8 with that, we'll quit for the night.</p> <p>9 MR. FANTONE: All right.</p> <p>10</p> <p>11 [TIME NOTED: 7:22 p.m.]</p> <p>12</p> <p>13 _____ ESAUN PINTO</p> <p>14</p> <p>15 Subscribed and sworn to</p> <p>16 before me this _____</p> <p>17 day of _____,</p> <p>18 2019.</p> <p>19 _____ Notary Public</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 277</p> <p>1</p> <p>2 E X H I B I T S</p> <p>3 (Continued)</p> <p>4 PINTO DESCRIPTION PAGE</p> <p>5 Exhibit 36 Email chain 213</p> <p>6 Exhibit 37 Pinto EDNY 000010 215</p> <p>7 Exhibit 38 Pinto EDNY 26 220</p> <p>8 Exhibit 39 Pinto EDNY 36-40 227</p> <p>9 Exhibit 40 Pinto EDNY 45-50 228</p> <p>10 Exhibit 41 Services List 232</p> <p>11 Exhibit 42 Pinto EDNY 53-54 238</p> <p>12 Exhibit 43 10/5/15 Invoice 242</p> <p>13 Exhibit 44 Pinto EDNY 55-58 246</p> <p>14 Exhibit 45 Pinto EDNY 65-67 247</p> <p>15 Exhibit 46 Pinto EDNY 81-86 253</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1
2 CERTIFICATION
3
4 I, Alice Schulman, a Notary Public for and
5 within the State of New York, do hereby certify:
6 That the witness whose testimony as herein
7 set forth, was duly sworn by me; and that the
8 within transcript is a true record of the
9 testimony given by said witness.
10 I further certify that I am not related to
11 any of the parties to this action by blood or
12 marriage, and that I am in no way interested in
13 the outcome of this matter.
14 IN WITNESS WHEREOF, I have hereunto set my
15 hand this 15th day of May, 2019.
16
17 
18 ALICE SCHULMAN
19
20 * * *
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1
2 ERRATA SHEET
3 VERITEXT/NEW YORK REPORTING, LLC
4 CASE NAME: BLACK v. DAIN ET AL
5 DATE OF DEPOSITION: MAY 8, 2019
6 WITNESS' NAME: ESAUN PINTO
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ESAUN PINTO

SUBSCRIBED AND SWORN TO
BEFORE ME THIS ____ DAY
OF ____, 2019.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

[& - 26]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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